

152. a

THE
P R I V I L E G E S
Annals OF THE *Hargrave.*
ROYAL BURROWS

As contained in their particular Rights,
and the Ancient Laws and Records of
Parliament, and their General
Convention ;

WHEREIN

Is considered the Privileges of Merchants, Privileges of Burghs, the Privileges of the Guild, the Privilege of the four Burghs in Assisting the Chamberlan Air in Falsing Dooms, the first Constitution of the Convention, the Laws by which they enjoy their Privileges, the Acts of their own Convention which confirm their Privileges granted by their Kings and Parliament, the Jurisdiction, and how far it is the Interest of the Royal Burrows now to observe and maintain their Privileges, by making such Regulations as may tend to the Advantage of all their Trading Society.

With an Appendix containing the Privileges and Jurisdictions of the Cities of *Edinburgh* and *Aberdeen*.

By W. B. *Black* Advocat.

Ibi salus, ubi multa Consilia.

Edinburgh, Printed by the Heirs and Successors of *Andrew Anderson*, Printer to the Queen's most Excellent Majesty, 1707.



T O T H E
R I G H T H O N O U R A B L E,

Sir S A M U E L M ' L E L A N,

Lord Provost, and one of H E R
M A J E S T Y ' S M o s t H o n o u -
r a b l e P R I V Y C O U N C I L,

Sir T H O M A S Y O U N G
J A M E S N A I R N
J O H N C L E G H O R N
C H A R L E S H O P E

} Baillies,

W I L L I A M N E I L S O N Dean of Guild,
W I L L I A M B A I R D Treasurer,

And the rest of the Honourable
Council, and Deacons of Crafts
of the C I T Y of E D I N -
B U R G H;

This Book is Humbly dedicated, By

R I G H T H O N O U R A B L E,

Your most Devoted Humble Servant,

W I L . B L A C K.

The Preface.

THE Burghs Royal being at first erected by special Grants from the Sovereign, either for their eminent Services to their Prince or Countrey; and by their Charters, being endowed with many valuable Privileges: It has been found the Interest of Trade, that these Privileges should be both preserv'd and enlarg'd.

The Successive Monarchs, ever since the first Erection of Burghs Royal, have taken particular Care, that the Burghs should not only enjoy what they had got, but in every Reign have confirm'd and enlarged their Privileges, which are now very extensive.

Her present Majesty having put a particular mark of Her Favour on the Royal Burrows, in preserving their Privileges as they now are, even after the Union; I presume it will not be unacceptable to such as are concerned in the Royal Burrows, that their Privileges be publish'd, as contain'd in their particular Rights, and in the Ancient Laws and Records of Parliament and Convention.

Of

The Preface.

Of Old the Affairs of the Burrows were managed by four Burghs, viz. Edinburgh, Stirling, Roxburgh and Berwick; and when the two last came to be in the hands of the English, Lanerk and Linlithgow were substitute in their place; and these Burghs did frequently call other Burghs to their Assistance, as appears by the Books of the Majesty.

The first Institution of the Convention of Burrows was in Anno 1487, in the Reign of King James the 3d. and then they were appointed to meet at Innerkeithing; but there is no Records of their Meetings, till the Year 1552: And that Convention was at Edinburgh.

After their Conventions were constitute, their Privileges were Extended, and almost in every Parliament confirmed. And now they enjoy as ample Privileges as any Subjects are capable of, as will appear in the Progress of this small Treatise from their own Records. By which its evident, that they have Power of regulating the Elections within Burgh; Of Elections of Commissioners to Parliament and Conventions; That they decide in all Controversies betwixt

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twixt Burghs Royal ; and even betwixt the Citizens and their Magistrates. That they make Regulations, with regard to their Trade and Shipping. That they have been in use of sending their own Commissioners to Foreign States, to treat anent what concerns their Trade. That they enter in Contracts anent the Staple in the Netherlands ; and that the Conservator, Factors, and others concerned in the Staple Port, are subject to their Directions in every thing concerns the Conservators Jurisdiction, and the Trade of Scotland ; and in the last place, that they have a Jurisdiction authorized by Law, and that their Sentences may be summarly execute, either by Imprisonment, or other ordinary Diligence.

These are Privileges not known to be the Right of any other Society but themselves, and therefore it should oblige every one concerned in the Royal Burrows, both in their private Stations as Burgessees, and in any publick Station as Magistrates or Commissioners to Parliaments and Conventions, to preserve these Privileges, and as a Consequence thereof, to put their Acts in Execution, with regard to the Improvement of

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Trade and Manufacture, and from time to time, make such Regulations, as the necessary Exigences of Trade require, that thereby they may answer the Design of these valuable Privileges put in their hands, and trace the Footsteps of their Predecessors, who (as appears by their Records) made it their Business to incourage Trade, and every National Improvement, and to preserve Unanimity among themselves in every thing that concern'd their General Good.

What I have adventur'd to publish concerning the Privileges of the Royal Burrows, might have been done by others more known in their Affairs, and better skilled in Matters of Trade: And therefore, if I have omitted any thing, or done any thing amiss in this small Treatise, I hope the Reader will put the best Construction upon it; and not only excuse, but amend it. And if there be any thing acceptable, I have my Design; for I shall always wish well to my Native Countrey, that their Trade may flourish, and that the Burrows may to future Ages enjoy and improve these Privileges of old bestowed upon them, and now at last preserved to them as their Just Right.

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THE
PRIVILEGES
OF THE
ROYAL-BURROWS, &c.

TRADER being the only
Mean by which a Nation
can Flourish, the Mer-
chants concern'd therein never fail
to meet with Incouragement ; and
every well Govern'd Common-
Wealth make it their Business, the
more that Trade increases, and is
improved among themselves, the
more to extend the Merchants
Privileges.

This Nation as having Natural-
ly many Subjects of Trade, their
A Mer-

Merchants from Time to Time, have not only enjoyed many valuable Privileges at Home, but have got particular Privileges and Immunities bestowed on them Abroad.

The Privileges they have got at Home are evident from the Acts of Parliament, and Grants in their favours.

By the 35. Statute of King *William*, it is Statute, that the Merchants of the Realm have their Gild, and shall enjoy and possess the same, with liberty to buy and sell in all places within the bounds of the Liberties of Burghs. By the 36. Statute *ibid.* No Prelat, nor Kirkman, Earl, Barron, or secular person shall presume to buy Wool, Skins, Hydes or siclyke Merchandize, but that they shall sell the same to Merchants of Burghs. And it's commanded by the King, that the Merchandizes forsaide, and all other Merchandizes shall be presented to the Mercat and Mercat-cross of Burghs, and offered effectually to Merchants of Burgh, without Fraud or Guile; by which it's evident that Merchants and none others enjoy this Priviledge.

By the Burrow Laws *Cap.* 7. If a Burges be pursued for any Complaint, he shall not be compelled to Plea without his awn Burgh, but in default of Court not holden, nor should not Answer within his own Burgh without Day and Term,

Term, except the Pleas which pertains to the Kings Crown, wherof if he be accused, he should be Judged by his Peers, conform to the Laws and Constitution of Burghs. *Item, cap. 8.* Give a Plea arise betwixt a Burges and a stranger Merchant, it should be ended and decided before the third Flowing and Ebbing of the Sea.

Stat. K. David 2d. Cap. 32. All Burgeses shall freely enjoy and bruike all their Rights, Liberties, and Priviledges used of before by them in the time of gud Peace. And that na man presume to Oppress them within Burgh, or without the same in any time coming, under the pain of breaking the King's Peace.

By the Burrow Laws, *Cap. 120;* Give Burgeses or Merchants when they pass forth of the four Ports of their Burghs, in exercising their Merchandize, does commit any Wrong without the saids Ports, or within a Barony, they shall underly the Law of Merchants.

By the same Laws, *Cap. 139.* It is Statute by King David, That all his Burgeses shall be free thorow all his Realm, as well by Land as Sea, to sell and buy for their own Profit and Commodity without any Trouble or Perturbation under a full amerciament, because they are under his sure Protection.

By the 2d. Statuts of King Rob. 1st. A Merchant proving his Debt, the Mayor or Aldermen of the Town, may apprehend the Debtor, and put him in Prison, till the Debt be payed.

These and a great many more

Privileges by the Old Statutes, belong d to Merchants.

And since of later Times by Our Laws and Acts of Parliament, None but Merchants residing in Burghs Royal, can use the Trade of Merchandizing, as appears by many Acts in the Reigns of the *Jameses*, and King *Charles*, as particularly *Ja. 4. P. 6. Cap. 84. Ja. 6. P. 12. Cap. 152. P. 19. ap. 6. Car. 1. Par. 1. Cap. 24. Ch. 2. P. 2. Sess. 3. Cap. 5.*

As our Merchants have obtained these Privileges at Home; so our Sovereigns have made particular Treaties for them Abroad.

In a Treaty of Alliance betwixt the Emperor and King of *Scotland*, the Emperor Renews and Ratifies a former Alliance for 100 Years; and the Merchants of *Scotland* are allowed to choose a Conservator to determine in all Cases betwixt them in the Netherlands, and allows them to reside there at their Pleasure, conform to the Emperors

Rati-

Ratification dated at *Brussels*, 24
July, 1531.

There are several Treaties betwixt the Kings of *Scotland* and Kings of *England*, particularly in *June* 1369, the mutual Privilege of Trade is reserv'd upon paying the ordinary Dutys: And by other Treaties in the 1492, and 1499, the Ships, Mariners, Merchants, and other Subjects of either Prince are to be well treated.

There are also other Treaties and Alliances with *France*, which are most ample, in favours of the Scottish Subjects: And all these Treaties may be seen among our Records in the Registers hands.

By which it's clearly evident, that Our Sovereigns have taken particular Care of their Merchants, and have allowed them ample Privileges

ges at Home, and procured the like Privileges Abroad, upon Occasion of Treaties with Foreign Princes.

C H A P. I I.

The Privilege of Burghs.

THe Burghs Royal within this Kingdom, have been of Old indued with many Privileges, partly for their great Services to their Sovereigns, and partly for their Services to their Countrey.

By their Ancient Charters, the Inhabitants, Burgesſes thereof, have the ſole Power of Trade and Merchandizing excluſive of all others; are Impowered to keep Courts, have Jurisdiction of Sherriffs, are Impowered to make Laws for the right Government of the Town, and
Regulation

Regulation of their Trade. And their Magistrats are Judges in Actions betwixt their Burgesſes.

The Town of *Edinburgh* being the Metropolis of the Kingdom, was indued of Old with many Ancient and valuable Privileges; but by the many Diſſaſters and Calamities of the Times, molt of their Ancient Charters were loſt; Tho' it's certain, their Privileges and Rights, have been as extenſive as any other Burgh-royal in the Kingdom: for they were one of the four Burghs that aſſiſted the Chamerlane in the ſaſſing of Doooms; and when *Berwick* and *Roxburgh*, were in the Hands of the *Engliſh*, King *David* the 3^d. in the Parlia- ment holden at *Pearth* in *March*, 1348. joyn'd to *Edinburgh* and *Stirling*, *Linlithgow* and *Lanerk*. And in the Reign of K. *Ja.* 2^d. The
Good

Good Town Obtain'd a Charter from that Prince whereby among other Privileges, The Court of the four Burghs was in all time thereafter to meet at *Edinburgh*. And this Court of the four Burghs as will hereafter appear, did no doubt give the first Rise to the Convention of Burrows.

It's also observeable, that in the Reign of King *Ja.* the 6th. The Confirmation of the *Gild-court* is conform to the *Standart*, set down by the Provost, Baillies, Council and Deacons, of the Burgh of *Edinburgh*.

It would take a great many more sheets than is design'd for this Treatise, to enumerate the particular Privileges of each Royal Burgh within the Kingdom : And therefore it shall Suffice in this place, That the Burghs of *Edinburgh*,
Pearth

Pearth, Dundee, Aberdeen, and the rest of the Royal Burrows, have got their Privileges for some Eminent Services, and have Injoyed them with the same Power and Freedom they got them; Being protected in them by their Sovereigns and the many Valueable Laws made in their favours in the Subsequent Parliaments, for Encouraging of Trade, and other National Improvements.

As the Power of particular Burghs are very extensive by their particular Rights; So by the Laws and Acts of Parliament, they have been Confirm'd and Extended almost in every Reign,

Statute, David, 2. Cap. 32. All Burghs and Burgeses shall freely Enjoy and Bruike all their Rights, Liberties and Privileges used of before by them in time of Good Peace, and that no Man presume to oppress them within Burgh, or without the same in time coming, under the Pain of braking the Kings Peace.

By

By the Laws and Constitution of Burghs made by K. *David* the first, commonly called the *Burrow Laws* ; The Privileges of Burghs, are there enumerat under several Acts and Ordinances relating to the Magistrats, their Jurisdiction, and the Citizens Duty.

Each Burgh have 3 Head-Courts yearly, at the whilk all Burgeses should compear ; The *First* is, after the Feast of *Michaelmas*. The *Second* is, after the Nativity of our LORD. The *Third* is after *Pasch*, leg. *Bur. Cap. 43.*

At the first Head-Court after *Michaelmas*, the Baillies should be chosen of faithful Men, and of good Fame, by the common Consent of the honest Men of the Burgh ; And they shall swear Fidelity to the King and Indwellers within the Burgh, and that they shall keep the Customs and Laws of the Burgh ; And that they shall not minister Justice to any person for Anger, Hatred, Fear, or Love of any Man, but according to the Advice, Counsel and Judgment of the wise and good Men of the Burgh : They shall also swear, that in the Ministration of Justice, they shall spare no Man for Fear, Love, Hatred, Consanguinity of any Man, or for Tinsel of their own Goods and Gear, *ibid. Cap. 77.*

This

This has been the Old method of Elections ; But now several Burghs have particular Sets and Standarts, by which they make their Election, which yet continue to be about *Michaelmess* yearly.

The more recent Laws relating to the Erection of Magistrats and Council within Burgh, are *Ja. 2. P. 11. cap. 46.* That in all Burghs there be eight or twelve Persons after the quantity of the Town chosen of Secret Council, and sworn thereto, *Ja. 3. Parl. 5. Cap. 30.* That Officers of Burghs be not continued further than a Year, that the old Council first choose the new, and then both old and new choose the Officers, and that ilk Craft have a Vote in the Election of Officers, by one to be chosen by the Craft yearly, and that no Captain nor Constable of any Castle may bear Office within the Town.

Ja. 3. Parl. 7. Cap. 57. In all Burghs four of the old Council should be chosen yearly, to sit with the new, notwithstanding of the preceeding Acts.

That the Election of Officers in Burghs be without Partiality or Mastership, *Ja. 3. Parl. 114. cap. 108.* That all Officers of Burghs be chang'd yearly, and that they be persons using Merchandize within the Burgh, *Ja. 4. Parl. 6. cap. 80.* Honest and substantial Burghesses, Merchants and Indwellers thereof, under the pain of Tinsel of of their Freedom wha does in the contrary, *Ja. 5. Parl. 4. cap. 26.*

That

That no Man be capable of the Magistracy or any other Office within Burgh, except Merchants and actual Traffickers within the said Burgh a- lenarly, and no others, *Ja. 6. P. 20. C. 8.*

The Elections of Magistrates and Council, do annually proceed conform to these Laws ; But some before, some after *Michaelmas*: And the Numbers of the Magistrates and Council do differ in the several Burghs.

By the Sett of the Town of *Edinburgh*, their Council consists of Twenty five persons, *viz.* The Provost, four Baillies, Dean of Gild, and Treasurer, ten Merchants, six Deacons of Crafts, and two Craftmen ; This Council has the Government of the Town : And none others are allowed to be present with them, except in Extraordinary Cases, that the haill fourteen Deacons may be called : such as, in the Electing of Magistrates, in setting of
Fues,

Fues, or any other manner of Tack, attour the yearly Rouping at *Martins* Even ; In giving of Benefices, or other Offices of Burgh; In granting of Extents, Contributions, Emprimitts, and siklike ; Bigging of common Works, and in disposing of the common good above the Sum of 20 *lib.* together.

The Sett of the Town of *Edinburgh*, as contain'd in the decreet Arbitral of King *Ja.* 6. together with the two Acts of Town Council relating to the same, being Printed in *Anno.* 1700. by Order of the Magistrates and Council. It's needless here to repeat it, seing thereby any person desirous to know the Form and Method of Election, may see the same distinctly set down in that Printed Sett.

By the Sett of the Town of *Aberdeen* ; Their Council consists
of

of nineteen Persons, viz. The Provost, four Baillies, Dean of Gild, Treasurer, Master Kirkwork, Master Mortifications, Master of the Brethren of Gilds Hospital, Master of their Impost, Six Merchant Counsellors, and two Deacons of Crafts.

Their Election proceeds after this manner, upon *Wednesday* before *Michaelmes* day, th' Old Council meets in the Forenoon, and they choise thirteen Brethren of Gild to be of the New Council, then they choise four out among themselves, who are commonly called the Old four; And lastly they choise two Deacons out of the Deacons of Crafts: This being done, these chosen to be of the New Council for the Infueing Year are sent for, and when they meet in the Afternoon, the Old and New Council with the six Deacons of Crafts, and

two Deacons of the Old Council, and two of the New, making in all ten, which with the Old and New Council of Merchants make up in all forty; these altogether first choose the Provost, then four Baillies, then a Dean of Gild, then a Treasurer, then the four Masters of Kirk-work, Mortifications, Hospital, and Impost, and six single Counsellors. This manner of Election was determined by the Convention of Burrows, and ratified and confirmed by King *Ja. 6th.* and has been since constantly observed.

This may suffice to show the Method of Election of Magistrates and Council in *Burghs*, and tho some may have a greater Number, some a fewer, yet that does not alter the Method.

Be-

Besides the Privileges of Electing of Magistrates and Council, as contain'd in their particular Charters of Erektion, and abovementioned Statutes, the Burghs Royal have had thir further Privileges by our Ancient Laws.

And First, By the *Chamerlan Air Cap. 38*, it was the Privilege of the Baillies of any Burgh, that if they should be challenged for any thing touching their Office, they were only answerable before the *Chamerlan*.

2^{ly}. It appears, that in falling of Dooms, reducing of Decrees pronounced by Magistrats of Burghs, four of the Royal Burrows were allowed to compear before the *Chamerlan* and decide the Contraversie, which Decision was declared als good as finally ended and done in Parliament.

Of Old the four Burghs who held the *Chamerlan Court*, were *Edinburgh, Stirling, Berwick* and *Roxburgh*, and the Two last Burghs being detain'd by the *English*, *Lithgow* and *Lanerk*, were added in their place : This is evident by the
Court

Court of the four Burrows, Cap.

1. In thir words;

In the Parliament holden by King David the second of that Name, At *Pearth* the 6th. March 1348, it is statute by the three Estates of this Realm, that sua lang as the Burghs of *Berwick* and *Roxburgh* ar detained and halden by *English-men*; (quhilks are and sould be twa of our four Burghs, quha in auld tyme did hauld ane Chalmerlan Court ains in the yeir at *Hadingtoun* anent fallsing of Dooms, quhilks wer again said before the Chalmerlane in his Chalmerlane Airs) the Burghs of *Lanark* and *Lithcow* shall bereceived and admitted in their place, and fra this tyme furth they shall be advertised to compear at *Hadingtoun* and serve in the mein tyme sua the Court ro be haldine as said is, (be the Commissioners of *Edinburgh*, *Stirleing*, *Lithcow*, and *Lanark*) in so far as concerns common Justice, fall be alsvail-liable as give there wer na impediment or obstacle af the the other twa Burghs halden and occupied by *Inglish-men*, providing, that when the other twa Burghs returns to the Possession and the Kings hand, they shall bruik and injoy their awn Priviledge without delay or contradiction.

In Chap. 2d. All Judgment against-said with- in the Burrow Court, sould be Decreited ad De- cyded (in the 2d. instance) before the Chamer- lane, That is to say, three or four, at the maist, discreit Burgeses of ilk Burgh of *Edinburgh*, *Stir- ling*, *Lithcow* and *Lanark*, haveand lawful Com- mission, fall compear personally before the Chal- merlane at *Hadingtoun*, they being lawfully sum-
B
moned

moned to that effect, and there the Right or the Wrang of the Doom whilk wes again said by them, shall be discusst and determined. And it is to wit, that sick ane Court where the 4 Burrows are assembled together before the Chamerlane, to try and discuss the Doom, quhilk is again said, is als vailliable among Burgeses, as gif it wer finally ended and done in Parliament.

Thir four Burghs have had fuller Power granted them, by establishing Acts, and calling o-ther Burghs before them to consider and determine upon all things concerning the Utility and Common-well of Burghs.

But more of this when we come to the Privileges of the General Convention.

As what is above have been the ancient Privileges of Burghs; so by Our more recent Laws they have the following Privileges.

That no man in Burgh be found in manrent, nor Ryd in Route in Fier of Weir with any but the King and his Officers, or the Lord of the Burgh

Burgh, and that they purchas no Lordships in Oppression of their Neighbour, under pain of confiscation, and their Lives be in the King's will, *Ja. 2. parl. 14. cap. 77. Ja. 4. parl. 3. cap. 34. and Ja. 5. parl. 4. cap. 28.* by the 11. *Act parl. 2. Ja. 3.* That all Merchants be Freemen Indwellers in Burghs, *Ja. 4. parl. 1. cap. 3.* That all Ships strangers and others come to free Burrows, and there make their Merchandize; and that strangers buy no Fish but salted and Barrell'd. And by the 59. *Act parl. 6. Q. Mary,* this Act is Ratified; And further, that none buy from Strangers, but from Freemen at the Ports of the Burrows, under the pain of Escheat of their Moveables. And by the 120 *Act par. 7. Ja. 6.* These Acts are again Ratified: And that Strangers neither buy nor sell any Merchandize but at Free-Burrows, and with Freemen, and that none Conduct, Fraught, or Pilot any Stranger to the Isles, under the pain of Tinfel of Life, Lands and Goods.

By the 41. *Act; Parl. 4. Ja. 4.* That Strangers Merchants lodge in the Free Burrows, or Principal Towns of the Ports where they arrive; and that their Hoasts give an Account to the King of their Guids Inward and Outward.

James 4th. Parl. 3. cap. 36. That the Common Good of all Burrows be spent for their common Profit by the Advice of the Town Council and Deacons of Crafts, where they are, and that the Chamberlain enquire into this Yearly.

James 4th. Parl. 6th. chap. 84. Ratification of the Priviledge of Burrows; and that none dwelling out of Burrows, use Merchandize, nor tap nor sell Wine, Wax, Silk, Spicery, Wad, nor

lik like Stuff nor Staple Goods, nor pack nor peil in *Leith*, nor any other place out with *Burrows*, under the pain of Escheat of the Goods.

Ibid. cap. 87. That no Neighbour in *Burgh* usurp against the Officers thereof; And *ibid. 88.* That none House, Wooll, Hydes, or Skins in *Leith* or other places without *Burrows*.

James 5th. Parl. 4th. cap. 27th. That no Earl, Lord, Barron, nor other, molest *Burrows* their Officers or Merchants in using their Liberties, under the pain of Oppression.

James 5th. parl. 7. cap. 107. That no Man pack nor peil Wool, Skin or Hyde, or louse nor laid outwith Free *Burghs* and Priviledge thereof.

James 6th. parl. 23. cap. 12. That no Persons Strangers, or Inhabitants within the Realm pack or peil any Hydes or Skins in the Isles outwith the free *Burghs*, under the pain of Tinfel of the said Hydes or Skins, and the Sheriffs or Overlords of the Land where the same is done, are ordained to put the Act in Execution.

James 5th. parl. 7. cap. 113. That the Officers of *Burghs* have the only power to punish Forefallers within the same.

James 5th. parl. 7. cap. 124. That Officers in *Burghs* searh and apprehend all havers of false Money.

Queen Mary parl. 5. cap. 23. That Magistrates of *Burghs* cause Deacons, Craftsmen and Hostlers sett and take reasonable Prices for their work and Victuals, or else deprive them of their Office and Priviledge.

Queen Mary, parl. 6. cap. 4. parl. 9. cap. 86.
James 6. parl. 1. cap. 26. parl. 5. chap. 64. parl. 6. cap. 85. and parl. 19. cap. 5. Ratifies the Priviledges of *Burrows* and *Burghesses*, and that Letters be direct

direct upon their Priviledges & Acts of Parliament made thereupon without calling any Party.

Queen Mary, parl. 6. cap. 53. That all common high Gates to and from Free Burrows, and to and from dry Burrows, from and to Sea Ports next adjacent be kept, and no Stop made thereintil under the pain of Oppression.

James 6. parl. 12. cap. 156. This Act ratified and ordaining such as stop or impede the same, to be charged summarly on Six days before the Lords of Session (as only Judges thereto appointed) to be decerned to have done wrong, and to desist and find Caution for that effect, under such pains as shall be modified half to the King, half to the Party grieved, and the Probation to be by Famous Witnessles, and not by an Assize.

Queen Mary, parl. 6. cap. 54. Act in favours of Burrows of the West, discharging unwarrantable Exactions of Fishers in Loch Fine, and other Lochs of the Isles, they bringing their Fishes within this Realm, for serving the Countrey a-lenerly, under the pain of Oppression.

Queen Mary parl. 9. cap. 83. That none make private Conventions, put on Armor, display Banners, or sound Trumpet or Talbron, without the Queen and the Magistrates Licence, under pain of Death.

James 6. parl. 18. cap. 17. Ratified, and that none convocate or assemble within Burgh, except they have Licenee of the Magistrates, and that they do nothing in their Meeting against Acts of Parliament, and Acts of the Burgh, otherways these Meetings are declared seditious.

James

James 6. parl. 18. cap. 17. All the Inhabitants are ordained to assist the Magistrates and their Officers for suppressing of Tumults, under the pain to be punished by the Magistrates and Council of the Burgh as Fosterers of the saids Tumults.

James 6. parl. 11. cap. 112. That no Free Burgh sell or analzie their Freedom in hail or in part to any other Burgh, or any otherways, without Licence of his Highness, and three Estates of Parliament, under the pain of Tinsel of the Freedom of the Burgh, either buying or selling.

Ib. parl. 12. cap. 152. Act ratifying all former Acts, and of new statuting, that none exercise Merchandise, not being Free Burgessees, under the pain of Escheat of their hail:moveables, half to the King, and half to the Burgh, whose Commissioners shall apprehend the same, but prejudice, to Landed Men to have some Merchandise to their own Use and Behoof, providing they sell not the same again.

Ibidem, cap. 153. All Inhabitants in Burgh, whether they be admitted Burgessees or not, exercising Traffick, or having Change within the same bear their part of all Taxes, Stents, Watchings, Wardings, and all Duties or Services touching the King or Burgh, without Respect to any privilege granted, or to be granted, except that the King may exeeem one of ilk Craft for his own Service, and without prejudice to the Members of the Colledge of Justice.

James 6. parl. 12. cap. 154. That there be no Exercise in Craft in Suburbs of burrows; but that the Magistrates and their Officers may intromit with, and Escheat all Work wrought or
work-

working to whomsoever the Materials may appertain.

James 6. parl. 14. cap. 225. Thir two Acts ratified extending the former to free and unfree, having their Commodity within Burgh, having no other Dwelling, and bearing no Burden without the same.

Ibid. But declared thus, That all residing within Burgh with their Families, who may spend a hundred pounds a Year, or are stented to be worth 2000, Merks be subject to be burdened with the rest of the Inhabitants, exeeming and excepting *ut supra.*

James 6. parl. 19. cap. 6. That all unfree persons not actual Burgesles of the Royal Burrows where they dwell, and pays no Tax and Stent, desist and cease from using Merchandise, or any of the Liberties of the saids Burghs, under the pains statute against unfree Traffickers, and that Letters of Horning be thereon direct, charging the said unfreemen to find Caution to obey this Act; as also upon the Decrets of the Convention of Burrows, betwixt Burgh and Burgh, and Burgesles of free Burrows upon ten Days.

James 6. par. 13. cap. 177. That Letters of Horning on a simple Charge of ten days be direct on all Decrets and Acts of Burrows *inter concives*, and others subject to their Jurisdiction, and the Officers Execution thereof given on fifteen days.

Ibidem, cap. 181. That the Common-Good of Burrows, after the yearly Rouping and Setting thereof, be yearly bestowed at the sight of the Magistrates and Council, to the doing of the common Affairs thereof.

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Ja. 6. parl. 14. cap. 226. That the Magistrates at the instance of the Heritor, take summar cognition upon citation of the Party, of the condition of Lands Liferented within Burgh, and Ordain the Liferenter to Repair them within a year, wherein if the Liferenter failzie, the Heritor may enter to the possession, upon security found to pay the conjunct Fiar, the Maill the House may give the time of the Cognition; and this extended to all burnt and waste Lands.

Charl. 1. parl. 1. cap. 24. Ratification of all Priviledges and Acts in favours of Free-Burrows and Burgesles, and particularly of the Acts *James 3. parl. 2. cap. 11. Ja. 4. parl. 6. cap. 84. Ja. 6. parl. 12. cap. 152. and parl. 19. cap. 6.* (all above repeated) Declaring the Liberties contained in these Acts, to be only proper and competent to the Free Royal Burrows that have Vote in Parliament, and bearburden with the rest. But by the Act *Ch. 2. parl. 2. Sess. 3. cap. 5.* This Act is corrected, and its Ordained that Freemen of Royal Burghs and none else, may buy or sell in great or wholesale, Wine, Wax, Silks, Spiceries, and Wadd, or other materials for Dying, and that none may Import or Export the same, or Import any other Commodities, but such as this Act allows; But prejudice to Noblemen, Prelates, Barons and others of their Privilege of Importing for their own use: But its declared likewise to any Subject, or any who shall buy from them, to Export (crns of the growth of the Kingdom, all manner of Cattel, Nolt, Sheep, and Horse, Coal, Salt, and Wool, Skins and Hydes, and all other Native Commodities; and Burghs of Regality and Barony, and their Burgesles and

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Members of Societies may Export all their own Manufactory, or such Goods as they shall buy in Fairs and Mercats, and all these Exporters may Import for their Returns or Fraught and Hyre of their Ship, Timber, Iron, Tarr, Soap, Lint, Lintseed, Hemp, Onions, and Necessaries for Tillage or Building, or the use of their own Manufactures : and also may Tax and Retail all commodities whatsoever. And if any Unfreeman shall be found to have any Goods to be bought or sold, Exported or Imported contrary to this Statute, if within Burgh Royal, Suburbs or Pendicles thereof, then the Goods may be summarly seized as Escheat : but if Out-with, then they may only be Arrested, and pursued as Escheat : half to the King, and half to the Burgh Apprehender ; but they may not only in this last case be summarly seized by way of Fact by any Burgh, or any for them, under the pain of Ryot, and all Acts and Ratifications contrary thereto are Rescinded, and Letters of Horni'ng are ordained to be direct on this Act at the instance of Burghs Royal.

The above Extension as to Export of the Native Product of the Kingdom by any person whatsoever, is by a subsequent Act Restricted.

Charl: 2: parl: 1: Sess: 3: cap: 6. Where Houses are Ruinous within Burgh by the space of three Years,

years, the Magistrats may warn these known to have Interest therein of Property or Annualrent, personally, or at their Dwelling-houses, and them and all others at the Paroch Kirk and Mercat-Crois, and in case of absence out of the Realm, at the Cross of *Edinburgh*, Peer and shoar of *Leith*, on sixty days, to Repair them within year and day, otherwise that they will cause the same to be valued and sold to others, paying or consigning the Price, who will Repair them within the said space; or if none will buy, then the Magistrats may buy and Re-build them, and this Right to be an unquestionable Security to the Builders. And this Act Ratified K: *William* par: 1: Sess: 5: cap: 8.

Ch: 2: parl: 2: Sess: 3: cap: 8: Burgeses and Indwellers in Burghs Royal, may Arrest Strangers living without the Burgh, for Horse-meat, Mens meat and Abulziements or other Merchandize due to themselves originally, without Bond or Security given therefore.

W. and M. parl: 1: Sess: 2: cap: 12: The Importing of all Forreign commodities for Merchandize whether by Sea or Land, excepting of Cattel, Horse, Sheep and other bestial; as also the Exporting by Sea of all the Native Commodities of the Kingdom, excepting Corns, Cattel, Horses, Sheep, Mettals, Minerals, Coals, Salt, Lime and Stone, doth only belong to Freemen inhabiting Royal Burrows; but its free to all the Liedges to Transport by Land furth of the Kingdom all its Native Commodities. And likewise Retail all Forreign Commodities, if bought from a Freeman of a Royal Burgh bearing Scot. and Lot therein, but prejudice to all Noblemen and Barons to Import

port any Goods for their own use; as also, to Export the Native Product for Importing the like Returns: And the Act *Ch: 2: parl. 23: Sess: 3: cap: 3:* Is abrogat, in so far as its herewith inconsistent. And this Act summarly resumed and reenacted with an Extension, to such as shall get the benefit of the communication of Trade, *Sess: 7: cap: 19:*

By all which Acts it is evident, how extensive the Privileges of the Royal Burrows are, and how from Time to Time, Acts have been made in the several Parliaments for Incouraging of their Trade, and promoting Unanimity and good Order among themselves, in their several Burghs.

It's true, That in the Convention holden at *Dundee, July 1692.* Mr. *John Buchan* the Burrows Agent, having undertaken the payment of ten Pound of the stent Roll; The Burrows allowed him to give a Communication of their Privileges to any unfree Trader or

Burgh of Barrony that would accept thereof, for payment of such a proportion of the said 10 *lib.* as should be laid upon them, but this never came to any effectual Settlement. There are indeed a few Burghs of Barony, that have accepted of the benefit of the Communication, and pay the proportions stented upon them, but they are so few, and their payments so inconsiderable ; that it's believed, this method will scarce take now after the *Union*, and therefore shall not be furdur insisted in.

C H A P. III.

The Privilege of the Gild.

By the Gild is understood, the Society of Merchants, Freemen, in each Burgh.

Each Burgh-Royal has a Dean of Gild, who is the next Magistrat to the Baillies : And in some Burghs particularly in *Edinburgh* ; The Dean of Gild is chosen after he is Baillie, and commonly the Provost is Dean of Gild the Year before he is Elected Provost ; Tho' the Baillies have the precedence in all publick Appearances.

The Dean of Gild in all Burghs where there is Trade, Signifies a great deal more than the Baillies, for his Power is more Extensive, as
first

first, he is Judge in all controversies arising betwixt Merchants relating to their Trade, and in Actions betwixt Merchants and Masters of Ships, anent Fraughts, Avariges, Damned Goods, &c.

2^{ly}, The Town Council choises his Council, who Assists him in determining what Cases come before him ; And his Sentences are seldom Reduced or Suspended, before the Lords of Session.

3^{ly}, He is Judge in controversies arising betwixt Neighbours within Burgh, anent their building of Houses, putting out Lights, stopping of Canalls or Aquiducts, and any other thing that tends to the preservation of good Neighbourhood.

4^{ly}, In some Burghs all delinquences are pursued in the Name of the Dean of Gild, and he up-
lifts

lifts the Fines and Amerciaments.

5^{ly}, He and his Council have the sole manadgment of the common Stock belonging to the Guildry.

6^{ly}, He has Power by himself to call Courts, where the whole Merchants and Brethren of Gild, are bound to be present to give Advice in any emergent that falls out, relating to the Guildry or to Trade.

In the Year, 1284. there are several Statutes of the Gild, made and constitute be *Robert Durham*, Mair of *Berwick*, *Simon Martel*, and other Good Men, as they are Recorded in the Books of the Majestie. And altho many of these Statutes are in Defuetude, yet the most Material are Observed to this Day.

As 1st. Na patticular congregation of Burgeses should brak or violat in any part, the Liberties and Laws of the general Guild, or to conceive new devices or counsels against the same.

2 That

2. That all particular Guilds be abrogat, and this general Guild to be kept.

3. That all Unlaws pertain to the Guild.

4. That nae Brither do wrang to an other Brother, under certan penalties according to the Offence.

5. That nae man shall be received in the Confraternity of this Guild, for nae less Sum than fourty shillings (which was then a great Sum) unless they be Guild-sons and Guild-daughters.

6. That Guild Breither falling in decreped Age, Poverty or Sicknes, be relieved.

7. When the Dean wills to convene the Gild Breither, for to Treat upon the Affairs of the Guild all the Guild Breither shall convene after they hear the striak of the Suesch, or the sound of the Trumpet.

8. Silence is enjoyned in the Court of the Guild.

9. Nae man shall buy Wooll, Hydes, nor Woollen Skins; to sell the samine again, or sell cut Claith, but hequha is ane Brother of Guild.

There are Acts against Forcstalling, viz. That na person in tyme coming, buy any Goods quhilk are brought to the Burgh to be sould, before they be brocht to the Mercat-place of the Burgh, and gif any is convict thereanent, he shall tyn the thing he has bocht, and the samine shall be applyed to the profit of the Guild. Gif any of the Brether gives silver to any stranger to the use of Merchandize, and takes therefore certan profit of the Seck of Wooll, the Last of Hydes, of Skins or any other Merchandize, he shall be condemned in fourty shilling, ains, tuse, thrise, and gif he be convict thereof the fourt tyme, he shall fine the Guild

Guild in the same manner a Guild Brother shall be punished, gif he takes Silver of a stranger Merchant to use Merchandize in manner fore said.

10. It is Statute, that the common Council and Community shall be Govern'd by twenty four gude men, best, maist discret, and maist faithful within the Burgh, chosen to that effect, together with the Mair and four Bailzies; and when the twenty four Men shall be called to Treat or Advise upon any common Turn, or Affairs of Guild, gif any of them being summoned, compares not, he shall make ane merks of twa shillings.

11. There are several penalties against Brether of Guild, Reveiling the Secrets of the Guild Council.

12. It is Statute, That na Burgeses nor Brether of Guild dwelland a Landwart, sall presume to buy or sell within the Burgh any Merchandizes pertaining to the Guild, but allanerly upon the Mercat-day; And that na Landwart Man buy any Victual brought to the Burgh in Ships, and gif he does in the contrar, and bees convict thereof, he shall pay to the Guild ane punsion of Wyne.

There are several other Statutes of the Gild Relating to buying and selling within Burgh, to Prices of Trades-mens Work, to Brokers, Browster, &c. Which may be at

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length

length seen in the Statutes themselves : And which may convince any Man, of the care that hath been taken near five Hundred Years ago, to Regulat our Trade.

In the Reign of K. *James* the 6th, 180. Act of his Thirteen Parliament, The Dean of Gilds Jurisdiction, is confirmed, conform to the Act it self, in thir Words.

Forsaemeikleas our Sovereign Lord, and Estates of this present Parliament, having considered how necessary and expedient it is, that the Power and Jurisdiction of the Dean of Guild, and their Council within Burghs, be approved and allowed as it is now used in the Town of *Edinburgh*, whilk is to the great furdurance of Justice to our sovereign Lord's Leidges, in all Actions and Matters concerning Merchants, betwixt Merchant and Merchant, and betwixt Merchant and Mariner, whilk Actions ought not, nor should byde delay, but be exped and decerned by the Dean of Guild and his Council summarly, as Men chosen and appointed yearly by the Council of the Burgh, maist apt to Judge and Decern in all Actions concerning Merchants, as said is, Wherefore our sovereign Lord with Advice of the Estates in this present Parliament, ratifies and
con-

confirms the Judgement of the said Dean of Guild and his Council, in all Actions concerning Merchants, as the same is set down by the Provost, Baillies, Council, and Deacons of the Burgh of *Edinburgh*, and to have full strength, force and effect in all times according to the loveable Form of Judgment, used in all good Towns of *France* and *Flanders* where Burfes are erected and constitute, and specially in *Paris*, *Rouan*, *Burdeaux*, *Rochel*, and the particular Form thereof to be set down again in this present Parliament.

Here is a full and ample Ratification of the Dean of Gilds Jurisdiction, be Virtue of which, and of their former Rights and Ancient Custom, they have holden their Courts, and decided in such competent Actions as came before them.

C H A P.

C H A P. IV.

Anent the Court of the four Burghs.

AS has been already said, of Old, the Burghs of *Edinburgh*, *Stirling*, *Berwick* and *Roxburgh*, were Assisting to the Chamberlane in falling of Doooms; And when *Berwick* and *Roxburgh*, came to be in the Hands of the *English*: King *David* the 2d. in his Parliament holden at *Pedreth*, the 6th Day of *March*, 1348. appointed that *Linlithgow* and *Lanrek*, should be Received in their Place.

Besides these Privileges (which are hinted at already) as belonging to these four Burghs ; It appears by the Court, commonly called the Court of the four Burrows, as

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Printed with the Books of the Majesty ; That they had Power to call Commissioners from other Burrows, to Treat and Determine anent matters Relating the Utility and Well of the Kings Burghs, as is at length contain'd in *Cap. 3d.* In thir Words,

In the Court of the four Burghs halden at *Stirling* the 12 day of the Moneth of *October* 1405, It is Decreited, that twa or three sufficient Burgesles of ilk ane of the Kings Burghs, upon South-side of the Water of *Spey*, having sufficient Commission to compear Zeirly to the Convention of the four Burghs, to Treat, Ordain, and Determine upon all things concerning the Utility of the Commonweel of all the Kings Burghs, their Liberties and Court.

2. *Item*, That na Man of whatever Estate he be, may repledge his man for forestalling fra the Court of the Burgh, or the Chamerlan Air, except them wha has a Burgh near adjacent to them, havand Privilege in auld times in sick caices.

3. *Item*, That na man shall bruike the Liberty and Freedom of the Burgh, but gif he have ane Land inhabit and stringeable within year and day after his Entres.

4. *Item*, Na Burges dwelling a Landwart, should have Lot nor Cavil with Burgesles dwelling

ling within Burgh.

5. *Item*, Na Templar (Red Friar, Keepers of the Temple of *Jerusalem* and of the *Halie Grave*) fall intromitt with any Merchandise or Gudes belonging to the Guild, be buying or selling within or without their own Land, but gif he be a Guild Brether.

6. *Item*, Twa Men of gude Fame wha saw and heard; may prove any Soume exceeding fourty shillings or within the samen, observing alwayes the Form prescruit in the Law betwixt Burges and Burges, wha may swear by his ain Eith, gif he has na Witness.

7. *Item*, The Baillie may ilk day except it be a Halie-day, cognosce and correct the Breakers of the Assie of Bread, Aill, and Flesh, and als the Rebels, (disobedient) and Perturbers within the Burgh, as oft as necessitie requires, and Complaint is made.

These Acts and Decreets being pronounced by the four Burghs, and they having the Power of meeting, as has been said already, it seems evident, that from thence the Custom of calling more Rurghs to their Assistance, has taken place, and when the Burrows found the Benefit and Advantage of their Meet-

Meetings, with regard to their Trade, and the right Management of Affairs among themselves, they have then got their Privileges enlarged, and have been Authorized to keep their Annual Conventions.

There is no need to enlarge on the Powers of these four *Burghs*, seing they now are lodged in the general Convention; only its believed, that in the Reign of King *David*, the Laws called the *Burrows Laws*, have been the Acts and Ordinances of these four *Burghs*, and are so mentioned in Old Manuscripts yet extant.

CHAP.

C H A P. V.

*Of the Constitution of the Convention
of Burrows, and their Privileges.*

THE first Act of Parliament Authorizing the Convention of the Royal Burrows, is in the Reign of King *Ja. 3d.* in the III Act of his 14th. Parliament in these words.

Item, It is statute and ordain'd by the hail three Estates, That Yeirly in time to come, certain Commissars of all Burrows, baith South and North, convene and gadder togidder ains ilk Year in the Burgh of Innerkeithing, on the Morn after St. James' day with full Commission; and there to commoun and treat upon the Wellfare of Merchandice, the Gud Rule and Statuts, for the common Profit of Burrows, and to provide for remeid upon the Skaith & Injuries sustained within the Burrows. And quhat Burgh that compears not the said daie, be thair Commissars, to pay to the Coasts of the Commissars five Pound, and yearly to have our Sovereign Lords Letters to distrenzie

streinzie herefore, and for the inbringing of the
famen.

Here is a very clear Law, but
the Privileges of the Burrows are
more anciently and distinctly Au-
thorized by King *David's* Charter,
the Tenor whereof, is as fol-
lows.

David Dei gratia Rex Scotorum. Omnibus probis ho-
minibus totius terra sue Clericis & Laicis salutem. Sci-
atis nos cum concilio concessisse, dilectis nostris burgenſibus
Scotia, facultatem emendi, ac vendendi, liberam ubique
infra libertatem suorum burgorum, Prohibendo ne aliquis
eorum, infra limites libertatis alterius emat vel vendat,
nisi licentiatus: prohibemus etiam, ne Episcopus, aut
Prior, vel persona Ecclesiastica, Comes, Baro, vel persona
secularis, emat lanam, pelles, coria, aut alia mercimonia,
sub quocunque colore, cujuscunque fuerit status: neque
vendat, nisi solummodo a mercatoribus burgorum infra
quorum libertatem resident: quibus precipimus, quod
legittima mercimonia, presentent apud forum, & crucem
burgorum, ut mercatores emant & ipsis effectualiter pro-
ferant, sine fraude, & ibidem sumant custumam Regis.
Prohibemus etiam, ne aliqui exterranei mercatores, cum
navibus & mercandis venientes, vendant aliquod ge-
nus mercimontorum, nisi mercatoribus nostrorum burgo-
rum, amittenda sub pena Regie defensionis nostre. Quae
quidem concessionem, libertates, constitutiones, pro perpe-

quo duraturas, tenore presentis carta nostra confirmamus. In cuius rei testimonium, presenti carta nostro Confirmationis sigillum nostrum precipimus apponi: Testibus venerabilibus in Christo patribus, Willielmo Episcopo Sancti Andrea, Patricio Episcopo Brechinensi Cancellario, Roberto Senescallo Scotiæ nepote nostro, Willielmo Comite de Douglass, Roberto de Areskine Camerario nostro.

By this Charter it is evident how extensive these Privileges of the Burrows are; and altho there be no Records of the Annual Meetings and Conventions of Burrows from the Reign of King *David*, to the Year 1552, which is in the Reign of *Queen Mary*; yet its evident from their Meetings in Parliament, that they have had Conventions for regulating the Affairs of Trade and Merchandice. And it seems that the four Burghs mentioned in the former Chapter, have continued their Custom of calling the other Burrows to their Assistance in managing their Common Affairs till

till their annual Conventions were more regularly settled.

King *Ja. 6. P. 5. cap 64.* Ratifies and apprieves of new, all Acts and Constitutions of Parliament, made be whatsomever our Sovereign Lords Predecessors, of before in favours of the Burrows, and Burgeses of this Realm, Inhabitants of all the Burrows of the samen, with all Priviledges, Freedoms, Immunities, and Liberties granted and given to them, and every ane of them, and decerns and declares the same to have full Strength, Force and Effect, in all time hereafter, sua that the same may be put to full and due Execution in all Points, and to stand as a perpetual Law to them and their Successors, with this Addition, Giv- and them Freedom and Priviledge, to conven four times in the Year, for sik Matters as concerns their Estate, and in what Burgh it shall be thought maist expedient be the maist part of the saids Burrows, providing always foreschewing of Tumults, that there be present at the said Conventions, for every Burgh in Number ain, except the Town of *Edinburgh*, to have ain mae nor the outhier Burrows.

There is another Act in Favours of the Commissioners of Burrows, viz. the 119 *Act. Parl. K. Ja. the 6th.* in thir Words.

For

For as meikle as it was found necessary, by our Sovereign Lord, and his Highness Predecessors, that the Commissioners of Burrows, convene at sik times as they should think gude, in what Burgh they thought maist expedient, with full Commission to treat, upon the Welfare of Merchants and Merchandise, gude Rules and Statutes, for the common Profit of Burrows, as at maist length is contained in the Acts of Parliament made thereanent, and anent the Priviledge of Burrows; Therefore our Sovereign Lord with Advice of the three Estates in this present Parliament, ratifies and appreives the said Acts. And for the better Observation of the said Convention, be sik Burrows as has heretofore not sent their Commissioners at any time thereto, has statute and ordained, that in time coming, when onie Convention of Burrows is appointed be the maist part of the said Burrows, or be the Burgh of *Edinburgh*, and anie six or eight of the rest, the Burgh warned thereto by a Missive Bill of the Provost and Baillies of the Burgh where the said Convention is to be holden, or otherways lawfully cited thereto, and not compearand by their Commissioner sufficiently instructed, shall pay the Charges of the Burghs that shall convene, the sum of twenty Pounds. And ordains the Lords of Council and Session to grant and direct Letters of Horning and Poynding against the Burrows absent from the said Convention, and adjudged by the remanant Burrows to have incurred the pains of Unlaw. And this at the Instance of the Burgh of *Edinburgh*, without further Process or Calling of Party thereto: The saids Lords seing the Act
 authen-

authentickly be the Clerk of the Convention,
that they are absent and convict as said is.

These two Acts do fully establish the powers of the Convention, and ever since that time, they have exercised these Powers in the full extent thereof, as will appear by their Records.

SECT. I.

*Anent their Regulating Elections
within the Burgh.*

THe Convention of Burrows, in their first meeting at Edinburgh in April, 1552, set down the method of Electing the Magistrates and Council Yearly in each Burgh; And tho' the method now may differ from that
then

then prescrib'd : Yet the Convention have from Time to Time, Regulat Elections, as Application was made to them, or as differences arose among the Citizens.

In the Convention, *Anno* 1619. the method is set down for Electing the Magistrates of *Stirling*, as appears by the Burrows Records. There is also, a Regulation of the Elections of *Pearth*, *Hadingtoun*, *Brichen*, and other Burghs at different Times ; And *Anno* 1637. for preventing undue Elections, the Convention made the following Act,

The Commissioners of Burrows being conven'd; anent that part of the third Act of the particular Convention of Burrows holden at *Edinburgh* 17 *November* last, Ordaining ilk Burgh to conform themselves to the Acts of Parliament and Burrows, in Election of their Council ; The present Commission understanding, that some of the Burghs does not proceed in the Election of their said Council so formally as they should ; Therefore

fore Ordains all the saids Elections, to be hereafter made, conform to the Acts of Parliament, and Burrows, That none be chosen to be upon the Council but Magistrats and Craftsmen, actual and real Burgeses dwelling within the Town, and bearing all portable charges within the same; and that none have places in Election of Councils or Magistrats, but those of the old Council al-lainerly, with those of the new, excepting if any of the said old or new Council be absent, that those who are there present, may choose an other Burgess of the quality of the absent to Vote in his place; And ordains this Order to be kept inviolably among the hail Burrows, under the pain of 100 lib.

Tho' this Act was only then made, yet the Burrows whose Elections were Regular, Observed that Method for many Years before; And if any transgress'd, they were fined; as in *August, 1578, Dundee* was Fin'd for choising the Tutor of *Pitcur* Provost, who was no Merchant; In *Anno 1595. Stirling* was Unlaw'd, for not choising Magistrates conform to the Acts of Parliament and statutes of Burrows.

rows. *Pearth* Unlaw'd for choising a Nobleman Provost. *July* 1618. *Linlithgow* Unlaw'd for choising a Cheirurgion Provost. *Anno.* 1619. *Barnff* Unlaw'd for leiting Knights to be Magistrates ; And so in many other Cases, have the Burrows kept their Rights of Elections Inviolable.

S E C T. II.

Of Election of Commissioners to Parliament or Convention.

BY the Constitution of the Burrows, none can be Commissioners to Parliament or Convention of Burrows, but Merchants, Traffickers, who are Free-men residing in the Burgh that they Represent : And so it was Inacted, *Anno.* 1574. In the Convention then

then holden at *Edinburgh*, where it was Expressly Ordain'd, that no Crafts-man should be Commissi-
oner.

In *Anno* 1574. in the Convention holden at *Couper*, none to be Commissioners to Parliament or Convention, but Free-men, Merchants, Traffickers : The Burgh that do's in the contrary, to be Secluded from the rest of the Burrows ; Which Acts are revived in the 1596. and 1600.

That the Burrows may be the better Represented ; There is an Act in *Anno* 1619. That the most fit Man in the Burgh be chosen to the Convention : And that the Missive be Read and Considered at his Election.

In *Anno* 1619. Inacted, that none be Moderator in the Conven-
D tion

tion of Burrows, but Merchants, Traders; And that only one Commissioner go from each Burrow to Parliament, except *Edinburgh* who have two.

In *Anno* 1642. It's appointed, that the Commissions to Parliament, be Sign'd by the Magistrates, and by the Clerk, in Name of the Council, and the common Seal appended. And in that Convention it's Inacted, that the Commissioners of Burrows be unanimous in Voting in Parliament, in Relation to things concerns the Burrows.

I have not observ'd these Acts Contraveen'd till the Year, 1652. And then in the Convention holden at *Edinburgh*, several Commissioners are rejected as not being Qualified.

It's true, in the first Parliament after King *Charles* Restauration,
The

(The Convention of Burrows having then met according to their Privilege and constant custom in time of sitting of all Parliaments) Several Members as Commissioners, were admitted tho' they were not Qualified, upon their promise to the Convention, to maintain the Interest of Burrows ; But that has been done out of Favour. However, it seems some Burrows have adventured thereafter to make such incroachments upon the Burrow Privileges, which Occasioned his Majesty King *Charles* the 2^d. in *July*, 1674. to Write to the Royal Burrows the following Letter, viz.

Charles R.

TRustee and well beloved, We Greet you well, as We have upon all occasions since Our happy Restauration, given Testimony of Our care to maintain the just Right and Priviledges of all Our good Subjects of that our ancient King-

dom, so We are resolved particularly to maintain and support Our Royal Burrows in their Immunities; And being informed that of late an Innovation hath been brought in amongst them, by Electing Commissioners and sending them from several Burghs to serve in Parliament, Conventions, and at their own particular and general Conventions and Meetings, who are not actual Residenters within these Burghs commissionating them, nor bearing proportional Charges with them, or such as can lose or gain in any of their Concerns, which as We are informed, are directly contrair to the ancient Constitution of the Burghs, and to many of their Acts; Therefore We have thought fit to Require you to take special care, that your ancient Custom concerning this matter be Revived and Maintained, and the like Abuses to be prevented for the future: So we bid you heartily farewell. Given at *Hamptoun* Court the third of *July*, 1674, & of Our Reign the sixth year.

After Receipt of this Letter, the Burrows in *July* 1675. made the following Act; and Transmitted it to the King, as an evidence of their firm Resolution to stand by their Privileges against all Innovations. The Tenor of the Act is as follows;

The

The general Convention of Burrows having taken to their serious consideration, the many Abuses and Inconveniencies that has happened to the Estate and Interest of the Royal Burrows, in Electing Commissioners to Parliaments, Conventions of Estates, and to their own general and particular Conventions and Meetings, such persons as are not Merchants, Trafficquers, Residenters, bearing common burden with the rest of the Inhabitants, & who cannot lose nor gain in the Concern of the Burrows, which as it was contrair to many of their Acts, and particularly to the Acts of Burrows holden at *Edinburgh* the 15. of *July* 1674, and to the Act at *Couper* the 3d. day of *May* 1586 years, and to the Act at *Glasgow* the 1st. day of *July* 158 years and to several other Acts of Burrows, and to the Ancient and Primitive Constitution of the Burrows by their first Erection; so likeways it is destructive to their Interest, which is to be an intire and unanimous body among themselves, making a third distinct Estate of the Kingdom, without being mixt with persons of another Rank or Quality than of the Merchant Estate, who usually carries on rather collateral Designs, than the direct, true and solid Interest of Royal Burrows, whereby they become divided, and loses their chief Interest and Strength, which consists in their unanimity; and consequently, the Contempt and Ruine of the Burrows follows, as too sad Experience manifests; Sicklike, taking to their serious Consideration, His Majesties Princely Care and Zeal for the Preservation of the Priviledge of the Royal Burrows, contained in his last Gracious Letter, directed to their general Conventions at *Stirling*, of the date
the

the 3^d, of July 1674, Requiring them that they take special care that their foresaid Acts anent the said matter may be Revived and Maintained; and the like Abuses prevented for the future: Therefore the said general Convention, by thir Presents Revives all preceeding Acts of Burrows, ordaining Commissioners for Parliament, Convention of Estates, and to the general and particular Meetings of the Burrows, to be of Persons conform to the Qualifications foresaid, and that in all the Heads, Points and Clauses of the said Acts, which for brevities sake are holden as herein Repeated: But als of new, Statutes, Enacts and Ordains in all time coming, and which is to be observed as an inviolable Rule, conform whereunto all future Elections shall be made, that no person shall be elected or chosen Commissioners by any of the Royal Burrows to particular Conventions of Estates, and to the particular and general Meetings of the Burrows, but such persons who are Merchants, Traffickers, present Residents within the Burgh commissionating them, and who bears common burden with the rest of the Inhabitants, and are such persons who can gain and lose in the Concerns of the Burrows; Declaring, likeas it is specially declared, that all Elections of Commissioners to particular Conventions of Estates, and to the particular and general Meetings of the Burrows, made of persons not qualified as aforesaid, to be *ipso facto* void and null, and of no force, strength nor effect in time coming: As likeways declaring, that every person who shall Vote for such illegal and unwarrantable Elections, shall lose the Freedom of the Burgh where he is a Burgees and Inhabitant; and fur-

further certifying, that every particular person accepting of such a Commission, not being qualified, shall be liable in pain and penalty of a 1000 Merks, as oft and sua oft as they Transgress this present Act; and for the which Fine and Penalty they shall have no Relief from the Burgh, but shall pay the same out of their own proper Means and Estate. And for the better and more punctual performance and Execution of this present Act, the Convention Ordains that this Clause shall be added to the Oath *de fideli*, which is to be taken of every Burghers of every Royal Burgh within the Kingdom, at his Admission to be a Counsellour of their respective Burghs, viz. That he shall not in any time coming, Vote nor consent to the choosing of any person to be Commissioner from the Royal Burrows to Parliaments, Conventions of Estates, and to the general and particular Meetings of Burrows, but such persons as are qualified in manner foresaid; and further Ordains their common Agent present or to come, to raise Letters of Horning hereupon, for charging the hail Royal Burrows of this Kingdom, to make their Elections of Commissioners of Parliaments, Conventions of Estates, and to their general and particular Conventions and Meetings, when the same shall occur, conform to the Qualifications foresaid, under the pain of Rebellion, and putting of them to the Horn if they failzie; And sicklike Ordains the said Agent to raise other Letters of Horning, charging every particular person who shall hereafter Vote for such unwarrantable Elections, or such as shall accept of such unwarrantable Commissions, not being qualified as said is, to make payment to him for the common use
of

of the Burrows, the foresaid penalty of a thousand Merks, as oft and sua oft as they shall Transgress thir Presents, & that under the pain of Rebellion, and putting of him to the Horn, whereanent thir Presents shall be a Warrant.

In pursuance of this Act and the Burrows Privileges, The Commissioners for *Dornock* and *Northberwick*, were rejected and removed, because their Commissions were contrary the platform : Thereafter a Commission from *Dornock* was again rejected, and the Burgh fined in 1000 *Merks*, and the Commissioner in as much.

I have not observ'd any Contravention of the Act of Burrows, during the Reigns of King *Charles* and King *James* ; But since the Revolution, there has been Commissioners admitted in Parliament, who were not Qualified in the precise Terms of the Acts of Burrows ;
Tho'

Tho' I cannot say, that their Commissioners were called in Question. However, I find in *July* 1699. The Burrows made a New Act anent the Qualifications of Commissioners, in General and Particular Conventions of Burrows, which has this alteration from all former Acts : That the Commissioner representing the Burgh in the then Current Parliament, may be a Commissioner to the Burrows : Or if the Commissioner be testified to be a person that has Heritage or Interest in the Burgh, and bears a part of their publick burdens, and can Time and Win in all their Affairs, he may be received a Commissioner to Represent that Burgh ; And this last *formula* has been observ'd ever since : But how far it's the Interest of the Burrows

to

to continue it so, The Burrows themselves are the best Judges. That they have Inviolably observed their Constitution, appears from such Records as are Extant ; And that our Sovereigns from Time to Time, have (in case of accidental Incroachments) minded them of their Duty is also certain ; And that now the Conventions will think it their Interest in their Representation in a *British* Parliament, to Answer that trust reposed in them by the Articles of the Treaty of *Union*, no Scotsman sure will doubt of it ? So we shall proceed to Consider the General Convention, their Regulations within Burghs, and betwixt one Burgh and another.

S E C T. III.

*Of the Regulations within Burghs,
and betwixt Burghs.*

AS the Burrows have taken Care to Regulat their Elections with regard to the Magistracy and Right Government of the Town ; And with Regard to their Representation either in a General Convention or Parliament : So they have considered how the Affairs within Burgh should be managed ; And Differences arising betwixt Burghs Reconciled ; That as each Burrow should keep within it's due bounds ; So no Burrow should be Incroached upon, to the prejudice of the Society.

The

The first Act that I observe relating to this in their General Convention is, *Anno 1570.*

That all Burrows assist one an other in the mutual Maintenance of their Priviledges. *Anno 1514,* it is Statute, That all Burrows assist others in their Lawful Affairs; and that in all Differences betwixt Burrow and Burrow, the same shall be determined by a General Convention, and every Burgh to stand to the said Determination without Appellation.

In prosecution of this Act, The Convention in their meeting at *Stirling 5 August, 1578.* Unlaw'd *Haddingtoun*, for pursuing the Town of *Dumbar* before the Session, without first meaning themselves to the Royal Burrows.

In *June 1590*, at *Aberdeen*, *Inverness* was Unlaw'd for suspending the Collector.

In *July 1596*, at *Aberdeen*, upon complaint of the Town of *Edinburgh*,

Edinburgh, St. Andrews was Ordain'd to give back two Excise bolls that they had taken, because they could shew no Reason why they took the same ; And as has been shewn, several Burghs have been Unlaw'd for undue Elections.

Anno 1642, The Convention annulled a mutual bond betwixt the Merchants of *Glasgow*, whereby they Associat themselves and bound themselves not to repair to the Wool-mercat at *Air*, it being very prejudicial to the said Burgh, by Inhanceing the hail Wooll to themselves. There are many Acts of Burrows regulating Differences in Burghs among themselves, and betwixt Burghs.

The Burrows have also made Acts with Regard to their Trading with unfree Burghs, as in *Anno*
1641. It

It is statute, That no Burgeses shall buy any Foreign Ware from an unfree Man, nor Burgeses of his Majesties Free Royal Burrows, without the Knowledge of the Burgh to whom they belong, under such Censure as shall please the Burgh to inflict.

This Act is Ratified in the subsequent Convention ; And a further Act, that no Free-man shall Sell to an Unfree-man who is to Sell the same again, above what he can carry on his back under a Penalty.

In the Convention at *Perth*,
Anno 1646.

It is Statute, That no Burgeses or Freeman of any Burgh Royal house, or load their Ships or Merchandice, or any part thereof, make Sale or Mercat of the same at any Unfree place, or furnish the saids Places with any Merchandice under the penalty of 100 *lib.*

In the General Convention at *Edinburgh* in *July 1690*, There is an Act.

Discharging Free-men to buy from Unfree-men, certifying such as shall contraveen the Act, or any part thereof, shall be liable to the Burrows in the fourth part of the Goods so bought.

In the Convention at *Edinburgh*, 1691, this Act is funder Extended;

And that none of the Burgeses of Free Royal Burghs shall be Partners with Unfree-men Inhabitants of Burghs of Regality, and uther unfree places ather in Point of Trade and Merchandizing, or in the matter of shipping, and are discharged to load and unload their Ships and Vessels at any other Port than these belonging to Free Royal Burrows, as is morefull in the Act.

The Burrows have also upon many Occasions, stoped Gifts in Favours of particular Persons; for setting up or carrying on any branch of Trade or Manufactory, as in *Anno* 1610, there was a Commission to severall Burrows, to seek Redrefs of a Gift, for making Salt upon Salt, for making Soap,
for

for Transporting Yearn, &c. And in Anno 1616, in the Convention at Perth, *Joseph Marjoriebanks* having obtain'd a Patent for making Red Herring: He, upon a Complaint that it was a Monopoly, compeared before the Burrows, and consented to cancel the Gift, and got his Expences refounded him

In Anno 1638, *James Maxwell* of *Inverweek*, and *John Cunningham* of *Barns*, having obtain'd a Patent for the lights of the *May*; The Burrows stopt it till they Regulat the Impost, and accordingly *Inverweek* and *Barns*, did restrict themselves to a fourth Part of the Allowance they had by their Patent, and past all Ships coming with Victual to the Firth, in the Moneths of *May*, *June*, *July* and *August*, as free of any Duty. And since that Time, if
any

any undue Exaction was made contrary to this Agreement, the Burrows took Notice of it.

The Burrows do upon any Occasion of pursutes against Burghs, or particular Persons that may be of any General Concern, make Acts for their Agents to concur in these pursutes, as in *Anno* 1591. They appoint their Agent to assist the Town of *Forfar*, in a Process before the Session against the Mr. of *Glames*. 1529, *Edinburgh* was Ordain'd to Assist *Couper*, in Defence of a pursute against them for one of their milns. *Anno* 1598. *Air* assisted in pursuing a Burgh of Barony, as Unfree Traders, & lately in the case of the Merchants of *Edinburgh* & other Places who were pursued before the Exchequer, at the Instance of the Commissioners of Customs, for giving Oaths anent Im-

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bazle-

bazlements. The Burrows appointed their Agent, and joyned with him another Advocat to Defend the Merchants against this pursute, in the Terms of Law.

The Burrows Regulat the pettie Customs within Burghs, they stop and discharge undue Exactions, they ordain each Burgh to make account of their Common Good at the annual Convention, they appoint yearly Perambulations of the Marches of the Burrowlands and Freedoms, they discharge Burghs to seek Imposts from the King, without Consent or Licence from the Convention.

They have many Acts for limiting particular Burrows in the setting or Rouping their Commongood, and when Burghs Contraveen, they are Fin'd; The Clerks
Office

Office within Burgh must be Ratified by the Convention, the Charters granted be Burghs of any of their Common Lands are usually Ratified by the Convention : And they claime the Sole Power of deciding any Controversies within Burgh, as appears by their Letter to *Melfort*, then Secretary in *April* 1686, wherein they desire him to Represent to his then Majesty, the Prejudice that the Burrows sustain by Procceses before the Council, at the Instance of some Inhabitants of Burghs, against the Magistrates and Burgeses, whereas formerly the Royal Burrows upon their common Expence, ordered some of their Number to repair to the Burghs where the Debate was, with Power to them to settle all Differences relating to their Trade,

and Government ; and that these have been inviolably observed since the first Constitution of the Royal Burrows, till the Year 1677. In fine, they claime, and have determined in all Cases concerning Trade or Government within Burgh; they have discharged Burgeses to suspend the Magistrats Decrees, and made an Act, That in case any Burges suspend his Burgh wrongously, and the Suspension discuss against him, he is to be deprived and unlawed.

These and a great many more Regulations made by the Convention of Burrows may be seen by their Records.

SECT.

SECT. IV.

*Of their Regulations, with regard to
their Trade and Shipping.*

THE Convention of Burrows have been very exact in making Laws with regard to their Shipping, and have set down very distinct Rules and Articles by which the Master and Owners of Ships may know their Duty, the Mariners theirs, and the Merchant his Duty.

In the Year 1570, It is statute, That no Ships be fraughted but in presence of the Dean of Gild; and that none sail without his Ticket granting permission for that effect.

In the Convention 1575, it is statute, That in case Ships be peiled (*which I take to be Goods robbed by Pirates at Sea*) the Goods safe shall contribute Scot and Lot for Relief of the Persons damaged,

nified, and both the Ship and Goods, according to their Value; and ordains the Magistrats of Ports, where Ships shall arrive to sett an Extent for relief of the persons damnified, and to arrest and comprise the Ships of those that refuses. And the samen Order to be kept anent Goods casten for safety of Lives, and Goods upon common Consent.

In Anno 1578 It is statute, That ilk Person sailing to Campheir, shall produce a Ticket to the Conservator, under the Subscription of the Dean of Gild, Baillies or Clerks of the Town they sail from, testifying them to be Free Merchants and Gild-brether. And who does otherways, the Conservator to intromet with their Geir, and escheat the same.

In the Convention holden at *Edinburgh* in the Year 1600, there are several Statutes anent Skippers and Mariners, in which are Directions and Orders as to all things relating to Masters, Mariners, Merchants and others, which Statutes may be seen in the Burrow Records, from the 1596, to 1605, as contain'd in *foliis* 94, to 102; and albeit they are not thought necessary

cessar to be insert here ; yet any that pleases may see them, for they are all to be observ'd under Penalties. In Anno 1632, Portage to Skippers and Mariners are Discharged ; and in Anno 1638, there is a Clause ordained to be put in all their Charter-Parties thereanent.

In the Convention holden at *Dumfreis* 1622, the Burrows take to their Consideration the Insufficiency of Cairseys and Plaiding, and there are several Regulations thereanent, for preventing their Insufficiency in all time thereafter.

In the Convention Anno 1629, Plaiding is discharged to be fold when rolled up, but before presenting to the Mercat, they appoint that it be trenched and laid in
Plyes,

Plyes, whereby the Buyer may the better discern the Goodness.

In the Conventions 1580, 1596, 1619, and 1655, and 1691, the Burrows regulat the curing and packing of Salmond, Herring and white Fish, and give Directions a-
nent the Salmond and Herring Bar-
rels.

In the Convention 1635, the Burrows regulat the Standard of making Linen, both as to breadth and sufficiency.

The Burrows have also been in use to prohibit several kinds of Goods, with Regard to Export or Import.

In Convention 1578, they prohibit the Transportation of Wool for three Years

They statute, That no English Cloth be suffered to come to this Realm, because it is the Occasion
of

of many Vagabound Women to pass away for lack of Wool to labour upon, and making of Claith.

In the Convention 1592, The Burrows ordain'd Wool belonging to one *Fleeming* to be escheat, in regard he transported the same to *Flanders*, and was deprived of his Freedom for not residing within the Countrey.

In the Convention at *Perth*, 1616, the Exportation of Eggs was discharged for the space of nineteen Years. They have taken under their Consideration, the Export of Coal and several other particulars that are necessar for us.

The Convention have been very Zealous to promot the Interest of Fishing, and have made many Regulations, both with Regard to the necessary Consumpt at Home, and the Improvement for Export Abroad.

By the Acts of Parliament, and particularly the 60 Act P. 4. *Ja.*

It is statute, That all Fishers of Herring of white Fishes upon the Coasts, or within the Isles or Firths bring the same to free Ports, that the Leiges may be first serv'd ; And the rest bought, salted and transported by Free-men, under the pain of Tinfel of the Vessels and hail other Moveables of the Contraveeners.

By *Ja. 6. parl. 3. cap. 141.* It was statute, That no Fishers sell their Herring to Strangers or Unfreemen, or transport them to other Countrys under the Pain of escheat of their Moveables.

There was an Act Erecting a fishing Company, and giving them certain Privileges ; but by this Act, tho their Privileges were very Extensive, yet, they were obliged that the Returns from Foreign Places upon their Stocks, should be brought to, and Sold in free Burghs, to free Burgeses. So that still the Privileges of the Royal Burrows were considered in the Erecting of any Trading Companys ; This Act is now rescinded, and by the 34 Act of the 2d. Session of the first

first Parliament of W. and M. All are Invited to the Trade of Fishing with an Assurance of former Privileges : But it is declared by that Act, that albeit the taking of Fishes be allowed to all the Leidges ; yet the Exportation of Fishes, do only belong to the Merchants of the Royal Burrows.

In the Terms of these Acts and the Burrows Privileges, the Convention have made several Acts, Regulating the right Cureing and Packing of Fish, and tho' sometimes their Designs and Endeavours proved Abortive, yet they never willingly suffered any Incroachment on their Rights.

In the Year 1631, or 1632, The King design'd to have Erected a Fishing Company ; and the Burrows had several Conferences with the

the Privy Council of Scotland thereanent, but they seem'd not Inclineable to part with several of the most valueable Privileges that they thought belonged to themselves in that project, and therefore were positive to reserve the Fishings, in the Firths of *Lothian*, *Murray*, and *Dumbarton*, and of the Lochs within the Mainland and Isles. However the Convention thereafter, gave Commission to *Sir John Hay* to go to *London*, and gave him Instructions to Represent their Grievances with Regard to the Incroachments made be the Dutch *Hamburghers* and *Brymers*, in Fishing in the *Scotish* Seas, and near the Isles, and in their Lochs, and with some other Proposals which are at length mentioned in the Instructions as Recorded in the Books of the

Burrows

Burrows. Of which, so far as
Concerns the Fishing, I here in-
sert the full Copie.

Imp. The said Commissioner shall inform his Majesty of the necessity of Reservation of the Lochs of the Main-land and Isles, and others contained in the Declaration given in by them to the Privy Council, and to humbly supplicate his Majesty to ratify the same. Next, if his Majesty shall insist for the further Enlargement of the said places to declare to his Majesty their Willingness. And that they have taken to their Consideration how the same Work may be most profitable, and upon sure Grounds begun and continued, and have thought fit in all Humility to represent to his Majesty the great Oppression and Wrong done to his Majesties Subjects be the Subjects of the Estates of the Low Countries, and by the *Hamburgers* and *Brymers* be incroaching upon the Seas and Coasts of *Scotland*, and upon the Isles of *Zetland* and *Orkney*, and now lately upon the Isles of the *Lewis*, to the great detriment of his Majesties Subjects; and if the same be continued, it is likely that these Rich Fishings which formerly has been the means of their Trade, shall be made unprofitable to his Majesties Subjects; and therefore to show their Willingness to advance all his Majesties Designs, that they would humbly intreat his Majesty to free the Seas of *Scotland*, and Isles of the same of the *Bushes* of the said *Northlands*, and other Strangers resorting to the Isles of *Orkney* and *Zetland*, at least to free

free the Coasts of the said Kingdom of the said Bushes, or other Fisher Boats of the *Netherlands* the space of 28 or 14 Miles, and to discharge them any Fishing near the Coasts of the said Main-land or Isles, and the *Hamburgers* and *Brymers* of that Trade within *Zetland* or *Orkney* otherways than according to the Laws of *Scotland*, for the which they as his Majesties most humble Subjects will offer to his Majesty this his Majesties most Royal Work of Fishing, to the outmost of their Power, by setting forth such a competent number of Bushes as shall proportionally fall to their part, and use all other means for improving of the saids Fishings of the Isles and Lochs of the samen, and of the Main-land of this Kingdom, but also will consent that his Majesty grant Liberty to the Subjects of *England* and *Ireland*, who shall be free for the Association of the Fishings intendit freely to fish in all the Seas of the said Kingdom and Isles thereof, and Lochs of the Main-land, and Isles of the same, in the same manner as they do, excepting always the particular Firths of *Lothian*, *Murray* and *Dumbartoun*, and the bounds reserved for the *Salmond* Fishing, and Indemnity thereof contained in the Declaration given in by the Lords of his Majesties Privy Council, both Nobility and Gentry, and the saids Commissioners of Burrows: In the which Case, and no otherways, they declare they are able to grant the said Enlargement, without their own undoing utterly. Therefore humbly to supplicate his Majesty, that since the fishing within the Isles and Lochs of the samen, and Main-land of this Kingdom will be unprofitable, if any Bush Fishing be permitted betwixt the *Fairay-Head* in *Strathnaver*, and the North-eastmost Point of the *Lewis*, or within the
Seas

Seas lying betwixt the said two Points of the *Lewis*; and fourteen Myles from the Eastmost Point of the said Isles of the *Lewis*; & therefore his Majesty would be pleased to discharge any Bush-Fishing there, with Liberty always to the Association to Fish within the said Bounds in manner as is presently accustomed by the Natives, which is most useful in these parts, as also that his Majesty would remove the Strangers furth of the *Lewis* and Isles adjacent thereto, and to appoint the Times of the Fishing as follows, viz. The Bush Fishing upon the East Coast the 24 *June* yearly, and the Isles fishing the first of *September* yearly: Farther since the Liberty of Trade, and packing and peilling of Fishes, is granted from his Majesties Predecessors, to the free Royal Burrows of this Realm, and that they at his Majesties desire consents, that all the Members of the said Association, *English* and *Irish* shall be free to pack and peil Fishes, and export the same, that therefore his Majesty might discharge them from any other Trade within the said Kingdom and Isles thereof, and that they hire none of the Fishers of the said Kingdom, to the prejudice of the Natives, and that they associat no Strangers to themselves, and that *English* nor *Irish*, fish any Salmond Fishing within the said Kingdom or Isles thereof.

As also, It may please his Majesty to grant to the Subjects of *Scotland* of the said Association, liberty to fish freely in all the Coasts and Seas of *England* and *Ireland*, and Isles of the same, and that als well Herrings and white Filh, as Pilhearts, and that upon the same Conditions, Liberties, and Payment of customs, as the Natives do, and with the like Liberty to pack and peill
upon

upon the Main-land, and export the *samen* further thereof.

He is also to supplicate his Majesty, that this their consent to the Enlargement of Trade in the matter of Fishings, may be no prejudice to the Liberties of the saids Royal Burrows, in no other Point of the *samen*; and it would please his Majesty to ratifie and approve the Liberties also well in packing and Peilling of Fishes, and Exportation of the *samen*, as in all other parts granted to them.

They are also to will their Commissioner in all the Treaty of the Fishings to advert the *samen* to be done to the most Advantage, and least Prejudice of the Burrows.

It seems this designed Company has not taken Effect, there being nothing further (of Moment) mentioned in the Burrows Records anent it. Yet the Burrows do not fail on their Part, to make Acts Regulating their Fishings, and right Packing and Cureing thereof, under the Penaltys mentioned in their Acts; They have also been ready on all Occasions, to give Encouragements to their own Burgers who

who inclin'd to set up Fisheries, knowing, that as that branch of Improvement tended to the Welfare of the Kingdom : So it highly contributed to the Advancement of the Wealth and Riches of their State. If the *Dutch* were debarred from Fishing within sight of Land upon our Coasts, it would tend highly to the Advancement of our Fishing, for they break the Schools of Fishing, and it's the concern of the Burrows to Petition Her Majesty for Redress in this matter.

There are a great many more Acts, relating to their Trade and Shipping and other Resolutions, to erect Manufactorys and Societys for the better management of Trade, which tho' not herein mentioned ; yet any who may be Inquisitive about them, may see them in the Burrows Records.

S E C T. V.

Of their Regulations with Regard to the Staple-port, in the Netherlands.

IT appears by the Records of the Convention of Burrows, that before they had Regular Conventions, they have had privileges of Trade in the *Netherlands*. In the Year 1570, in the Convention at *St. Andrews*; There is an Act or Warrant, for raising Letters to bring the Conservator out of *Flanders*.

The Burrows now from that Time to this, have Injoyed these Privileges, and have entered in Contracts with the Town of *Campvere*, from whom they have got

got several Immunities and Incouragements to settle the Staple at that Place.

It's true, the Burrows have upon Occasions removed the Staple, they Resolv'd once to have it at *Middle-burrow*, and it was ACTually settled at *Dort*, but it was own'd more convenient to have it at *Campvere*, where it was returned, and so continues there to this Day.

The Convention of Burrows Claime the sole Privilege of Naming the Conservator, and when the Sovereign Names, they usually protest and declare that their approbation of his Majesty's Gift should no ways prejudice the Interest and Privileges of the Royal Burrows, in Choising and Nominating a Conservator in time coming as Accords. Tho it's Certain, that

the Kings Gift for the most part prevails.

The Burrows did once Name *Thomas Cuninghame*, to be Conservator in place of *Drummond* deposed, but if their Nomination was Approven or not by the King is not clear ; However, whether the King Name the Conservator or they Name him, he is always Subjected and answerable to the Burrows, for how soon he presents his Gift from the King, the Convention before they approve of it, oblige him to sign certain Articles, for the faithful Observance of which he binds himself in the Terms therein specified.

Sir *Andrew Kennedy* the last Conservator, after he presented his Gift from the King, the Burrows approv'd of it ; but after Consider
ing

ing the Dues, and Exactions contained therein, they found them Exorbitant, and tending to the prejudice of the State of Burrows. Upon which Sir *Andrew* submitted himself to the Determination of the Convention, (notwithstanding of any Clause contain'd in his Gift) as to his Dues, and Emoluments ; And declared that he would Observe such Rules and Instruction thereanent, as the Royal Burrows shall prescribe to him, and that he will not exceed the Rates set down in the Table, to be signed by the Convention, and delivered to him.

The Convention accordingly caused draw out several Instructions ; and because they sufficiently clear the Conservators dependance on the Burrows, they are here

verbatim insert as contained in the Burrows Record.

Imprimis, The said Mr. *Andrew Kennedy* shall not at any time hereafter demit the Office of Conservator to any person or persons, except to the Kings Majesty, &c. with the Consent and Assent of the Burrows.

Item the said Mr. *Andrew* hath power to place Deputs at the Staple port, for the better putting in practice the Office of the Burrows, for which Deputes he shall be answerable in the saids Offices for their Qualifications, and Discharge of their Duty; and in case any Complaint be given in against them, the same is to be tryed by the Burrows at their general or particular Conventions. As likewise, if the Burrows have any just Cause against them, why they ought not to be Deputes, the said Mr. *Andrew* shall remove them.

Item, The said Mr. *Andrew* or his Deputes, during their Office, shall remain at the Staple Port wherever the same shall happen to be for the time, and shall not divert themselves therefrom (without some important Cases notified to the Burrows or Burgh of *Edinburgh* by their Letter) but attend their Office there, and shall concur with the Nation, in protecting them from Violence, and suing Reparation, and Redress of wrongs, through any part of the whole seventeen Provinces; upon the reasonable Charges of the Party.

Item, The said Mr. *Andrew* shall keep Courts conform to the Acts of Parliament, and shall not suffer

suffer any Factor to assist in them, or sit in Judgment with them in no time to come, but shall be assisted by the Masters or Merchants of Ships of the Nation, who shall be obliged to give their Oath *de fideli*.

Item, The said Mr. *Andrew* or his Deputs, shall put the Acts of the general or particular Conventions of *Burrows* made or to be made, to Execution, against all unfree Traders and Factors, and in special shall not suffer any Factor to Trade or Trafficque, under the pain of Deprivation of their Offices as Factors.

Item, The said Mr. *Andrew* or his Deputs, shall not suffer any person, to use the Office of Factor, within the seventeen *Provinces*, except they have been first admitted to that Office by the general or particular Conventions of *Burrows*, and that they shew them a Certificat subscribed by the Clerk of *Burrows*, making mention of their Admission, and finding Caution conform to the order accustomed; and then they paying to the said Mr. *Andrew Kennedy* as Conservator, the Duties accustomed to be payed at their Admission, they shall take their Oath at the Staple-port, and Exercise all other Authority over them, belonging to them as Conservators, either by Acts of Parliament or *Burrows*; but if they shall infringe any of his Majesties Laws, or fail in any part or point of Duty to the King or Kingdom, then the said Mr. *Andrew Kennedy* may in that case deprive them by his own Authority.

Item, The said Mr. *Andrew Kennedy* shall see that the Liberties and Priviledges of the Nation at the Staple-port, contained in the Contract betwixt the *Burrows* and the Town of *Campvere* be
 kept

keept, and in special anent the Consergary-House.

Item, In all controversies betwixt him and any Merchant, Sailer, or Factor, he shall submit himself to the Decision of the Burrows, and shall not appeal therefrae, nor decline the same.

Item, The said Mr. *Andrew Kennedy* being warned at the instance of the Burrows general or particular Conventions, and their Procurator-Fiscal, or any having a warrant from the Commissioners of Burrows or Town of *Edinburgh*, to cite them, and to answer to any complaint given in against them, shall compear by themselves and their Procurators, upon the premonition of threescore days, either in general or particular Convention.

Item, The said Mr. *Andrew* binds and obliges himself, to Discharge his Duty in the said Office, as well in Administration of Justice, either in Civil and Criminal Courts with speed and indifferencie, as in putting their Decrets and Sentences to Execution; as also, in Ruling and Governing themselves and the Nation, conform to the Acts of Parliament and Laws of this Realm, and also the Acts of Burrows, and whatsoever other things shall be Statute by the Burrows, for the good of Trade and Honour of the Nation, and shall cause the same be obeyed after lawful Intimation made to him or his Deputy thereof.

Item, The said Mr. *Andrew Kennedy* & his Deputs shall assist & concur by their Authority with the Minister, in seeing the Order of the Church there keept as well in the Doctrine as Discipline, conform to the Laws of this Kingdom; and that he shall be immediatly subject to the Presbytery of *Edinburgh*,
and

and not to joyn himself with the Classes of *Holland*, and to see any Collections appointed to be uplifted by the Burrows, be taken care of for the use collected for.

Item, The said Mr. *Andrew Kennedy* as Conservator, binds and obliges him to exact and uplift no higher or greater Dues of Goods, than according to a Table made by the Burrows at this present Convention.

Item, The said Mr. *Andrew Kennedy* is hereby bound and obliged to the same Articles and Conditions to the Burrows of this Realm, unto which any Conservator was bound and obliged, except in so far as the same is innovat or altered by thir presents.

Item, The said Mr. *Andrew* shall not, during the time of his Office, purchase or procure any thing prejudicial to the Liberties of the Burrows, nor suit, obtain, or crave any further Impost upon Merchant Goods or Ships, than is granted by the foresaid Table, or hereafter shall be granted by the Burrows of this Realm. In witness of my concerns, and obligation for performance of the Articles above-written, I the said Mr. *Andrew Kennedy* have subscribed thir Presents with my Hand at *Edinburgh* the 12 day of *July* 1690, Sic
subscriptur Andrew Kennedy.

These Instructions are in substance the same that have been given to former Conservators, and the Convention upon not due Observance

vance of the Instructions or making undue Exactions, have suspended the Conservator of his Dues ; as in the case of Sir *Patrick Drummond* Conservator, who because of his Contumacy in not compearing before the Convention, to answer to the Complaints that was against him, was suspended of his Dues, and thereafter he was deposed ; but whether by the King or the Convention I am not certain, tho when the Convention suspended the Payment of his Dues they ordain'd Letters to be written to the Magistrates of *Campvere* that they would withdraw their Concurrance from him.

The Convention have been in use to discharge the Conservator Deput ; as particularly on *Bautie*,
the

the Conservator Depute was discharged for Oppression.

The Convention of Burrows have also Power of a Conserjorie-house, which is the Inns, or House of Entertainment for *Scots Merchants* : they Name the Keeper or Master of this House, and give him particular Instructions, which he is bound to Obey.

They also present a Minister to the *Scots Church* at *Campvere*, and pay him his Stipend and lay on a particular Duty on *Scots Goods* for payment thereof. They have the sole Nomination of Factors to remain at the Staple Port, who are bound to find Caution at their Admission for their Fidelity, and are strictly bound to Observe the Instructions given them by the Royal Burrows under severe Penaltys.

The

The Factors at their Admission must also give their Oath of Obedience to the King and his Laws as if they were living in *Scotland*, in the Terms of the 96th Act of the 6th. Parliament of King *Ja. 6th*.

The Burrows have a great many Privileges at the Staple Port, which are contain'd in the Staple Contract. And therefore, that they may be the better understood, the last contract as contain'd in the following Articles taken from the Records is here Inserted.

Imprimis, That for keeping and preserving of the strict Alliance and Friendship, which (by GOD's Providence) is made between his most Sacred Majesty of *Great-Britain*, and the Lords of the States General of the *United Netherlands*, and for the long enjoyment of so happy a Peace: The Magistrats of this City in all things according to their power, upon all occasions, shall seriously give a just and real Demonstration of their true Affection to his Majesties Royal Person, Authority and Government, and of their constant Inclinations to the Welfare and Tranquility of his

his Majesties Kingdoms and Dominions, and in particular of his Majesties Kingdom of *Scotland*. And to make the samen manifest the said Magistrates as far as in their power, shall obstruct and hinder the buying or selling of all manner of Ammunition of War offensive and defensive, by or to the behove of any Fugitives, Rebels, Enemies, or others disaffected to his Majesties Royal Person & Government; And also (as far as in them lies) to hinder the Printing and publishing of all seditious Books and Pamphlets within their Jurisdictions, and also the Transporting them to any of his Majesties Dominions; and if at any time hereafter they shall be discovered by the Conservator, or his Deput, and Information given to the said Magistrates thereof, they shall cause punish speedily the persons offending (being found within their Jurisdiction) according to their demerits.

2. That there shall be a firm Correspondence and Agreement betwixt the Royal Burrows of the Kingdom of *Scotland*, and the Magistrates of the Town of *Campvere*, with approbation of his Royal Majesty as Marquis of *Campvere*, or his Commissioners for the establishment of the Scots Staple Court within the said Town of *Campvere*, for the space of twenty one years after the date thereof fixt, and after the expiration of the same for so much longer as shall thereafter be agreed upon, by the Royal Burrows and Town of *Campvere*; But this Contract shall take its effect with the concluding and subscribing of the same by the Commissioners on both sides. And there to enjoy the Priviledges and Immunities mentioned in the following Articles, with all other Priviledges formerly granted by this Town by ancient
 Con-

Contracts, especially that of the year 1612, (except in so far as it may be innovat by this Agreement, or by what may be agreed upon hereafter) for the further encouragement of the said Intercourse of Trade. And that the Magistrats of the said Town of *Campvere* shall give publick assurance, that during the whole time of this Agreement, the said Conservator, and all others having dependance upon the said Staple Court, may have a free and safe Conduct and Protection within this Town, and that they with their Families and Goods may peaceably dwell and Negotiat there, and in the Jurisdictions thereof.

3. In regard that all Staple Commodities that come from the Kingdom of *Scotland*, are the natural Product of that Countrey, most part of them unmanufactured; by which means the Town of *Campvere*, and other Towns of the Provinces, have the conveniency and Advantage of reducing the said Commodities into several Manufactories fit for Use, whereby they reap a greater Benefit than the People of the *Scots* Nation. Therefore it is by this Article agreed, that all the said Staple Commodities may be freely imported to this Town; without paying any Toll or Custom, as is here called Incoming, Convoy, Licent-Money, Vylgelt-money and Lastgelt-money upon any of the *Scots* Ships, or other Vessels whatsoever belonging to them, and from allothier Impositions present and Future. And that all Residenters belonging, or any way depending upon the Staple Court, may be free to use and enjoy all the Priviledges and Freedoms that the *Burgers* themselves do enjoy within the Town and Jurisdiction thereof. And by this Article it is agreed, that the Goods following shall

shall be reputed Staple Goods, and no other, viz. All sorts of Wool, Woollen and Linen Yarn, all Woollen and Linen Manufacturies, Hydes and Skins of all sorts, Plaiding Kerseyes, Scots Cloth, Stockings, Salmond, Tallow, Oyl, and all sorts of Barrell'd Flesh, Pork, Butter and Leather drest and undrest. As also in respect Salmond is such a tender and perishable Commodity, it is hereby declared that such Quantities thereof as come from Scotland to Campvere, after the first of October Yearly, the same shall not ly longer there than to the first of November. And in case Salmond come after the First of November, that the Owners, after unloading the same Salmond (being put in Pack-houses or Cellars) after making a due publick Offer of Sale within Campvere, shall have Freedom to go with the said Salmond where they please, and to transport the same where they may have the best sale therefore, without paying any other thing but the Conservators Dues. And likewise it is hereby declared, that Stockings being a Commodity that is not frequently vendd at the Staple Port, it shall be leifome to the Merchant Owner thereof (in case there be no Opportunity to sell the same, after that first an Offer of Sale is made duely and publickly within two Months after importing the same to Campvere) to transport the same to any other Port where they may have best Sale therefore, and that without Payment of any Imposts, except the Conservators Dues alenarly.

4. That the Lord Conservator without Let, Hindrance or Molestation, Exercise Jurisdiction in all Causes civil and criminal, over the Person and Goods of all those who belong to the Scots Staple

Staple: As also over all others of the *Scots Nation* already dwelling, or which shall hereafter dwell, remain or lodge within the Town of *Campvere*, or Freedom thereof; so that no Magistrat or Judge of this Town, shall have power to determine in or upon any Question or Difference civil or criminal, at any time happening between two of the *Scots Nation*, but the case shall be only Pleaded, Adjudged, and by definitive Sentence determined, by the Court of the Conservator, and that without contradiction or Appeal; and in case of Incivility, Contention, Opposition or Resistance, the said Magistrats of *Campvere* shall afford the Conservator or his Deput, all help and assistance to bring the Offenders to usual and deserved punishment; and that all Acts, Ordinances, Sentences and Decrets, made and given in the Conservators Court; as also all Certificats, and Letters Testimonial given, acknowledged and granted under the hand of the Conservator or his Deputs and Secretary, with the Office Seal thereto affixt or appended, shall be holden and esteemed in all cases either civil or criminal, as obliging, legal and authentick, to all intents and purposes, as any other given and granted by the Magistrats or Judges of this Town, in cases belonging to their Jurisdiction. And a List shall be given within six weeks after the approbation of this Contract, of such persons as live under the *Scots Court*, or thereafter shall come to live from time to time.

5. If any Question or Action Civil shall happen betwixt any of the *Scots Nation*, & any of the Inhabitants of this Town of *Campvere*, either Native or Stranger, in that case the Plantif or first complainer

er he being a *Scots* man, shall be obliged first of
 all to apply himself to the Conservator or his De-
 put, and being a *Dutch* man to the Magistrats,
 that there may be Arbitrators Nominate over the
 business in question; and the said Conservator,
 together with the Magistrats, shall upon either
 side yearly name three Arbitrators, the present
 to include the absent, that may freely cognosce,
 arbitrat and determine upon the said Differences,
 and the Sentences and Decrees so past by them,
 upon the agreement or willing submission of the
 Parties, shall be holden as valid to all intents and
 purposes, as if the samen were past in Judgment
 before the Magistrats of this Town, or Conserva-
 tors Court. And that all such Decrees and Sen-
 tences arbitral so given, shall with all expedition
 be put in Execution according to the Priviledges
 of this Town, and Laws of the Countrey. But
 in case the said Arbiters be equal in their Voice
 one against another, the case being referred to
 their determination; then the saids Arbitrators
 are to choose an Umpire that may pronounce the
 arbitral Sentence. And if the said Parties will not
 agree, then the Cause may be brought before the
 Judges or this Town to be determined in pre-
 sence, and with the advice of the Conservator or
 his Deput, within fourteen days after that full
 probation is made use of in the Cause: and if it
 shall happen, that any of the *Scots* Nation shall
 have to do before the Lords, the States or Coun-
 cil of *Zeland*, the Lords of Admirality or Town
 Council of *Middleburgh*, whether it be for staying
 of their Ships, confiscating of their Merchandize,
 or any other cause whatsoever, in that case the
 Magistrats of the Town of *Campvere* shall be
 obliged

obliged to cause to assist them by their Pensionary, or some other of their Council, to the end that those of the *Scots* Nation may be well used, and als much favoured as any of their own Burgeses. And the Magistrats of *Campvere* are obliged on all occasions to give all dutyful assistance to those of the *Scots* Nation, even and in the same manner, as their Honours are obliged to do to their own Burgeses and Indwellers.

6. To the end that the people of the *Scots* Nation be not frustrat of the Word of GOD, and Exercise of the Reformed Religion, in their own proper Language, the Magistrats of the Town of *Campvere* shall hereby be obliged, within a year after subscribing hereof, to take care that the old burnt Church be Re-built, or otherways within two Moneths to accomodat the *Scots* Nation with a fit place, wherein to exercise their Religion, and to furnish the same with all necessities requisite for the due order, and right Administration of GOD's Service and Exercise thereof, according to the Doctrine, Service and Discipline acknowledged, practised, and by Law established within the Kingdom of *Scotland*: As also, a fitting Church-yard, where the dead of that Nation and none other (without the consent of the Conservator or his Deput first obtained) may be buried, together with such place of the Church, as by the said Conservator or his Deputs shall be thought fit; the said Church and place, or Church-yard, to be kept in due Reparation at the charges of the Town, and to be exempted from any Ground-Right which may be pretended to be payed for Burying within or without the Church; and to have the Liberty to bury their dead at any time of the

the day or night, at their pleasure, without paying any Fine for the same. And whereas those of the Scots Nation have (since the time their Church was burnt) employed for exercising Gods Service, the House belonging to the Scots Poor, standing in the *Wine-gaert-street*. And that it was the duty of the Magistrats, to have provided them of a Church, yet it is hereby agreed, that for the Rent of the said House and Reparation done thereto, nothing shall be pretended, the same being hereby discharged; but in lieu thereof the Magistrats of *Campvere* undertake, and promise to pay the yearly Stent imposed upon the said House and Tenement, and that for the space of the ensuing twenty one years, which is the time of this Contract. And in like manner the Stents of all years that are passed since the burning of the said Church, till the date of the Ratification of this Contract. And moreover, that the Obligations belonging to the Scots Poor, and at present in the custody of the Town of *Campvere*, shall forthwith be delivered over to the Lord Conservator, and to Mr. *Thomas Hoge* present Minister of the Scots Nation, with payment of all the Interests that have been received since the very first time that those Obligations came into the hands of the honourable Magistrats.

Which delivery of the said Obligations and by-gone Interests, the Magistrats of Campvere have performed to the foresaid Lord Conservator and Minister of the Scots Nation, conform to the accompt current of the same, and wherefore the said Conservator and Minister have given Acquittance.

As also to have a Minister, Precenter and Clerk for the service of the said Staple Church, according to their respective callings; and the said Minister being duely admitted, the Town shall provide that the Minister shall receive his yearly Sallary and Maintainance in the same manner as it is now payed; and that they shall use their outmost endeavours to obtain for and cause be payed, a fit Sallary to the Precenter and Clerk; and if it shall so happen, that the foresaid Congregation shall so increase, that it should be found necessar to have a second Minister for assistance, his Maintainance shall be at the charge of the Scots Nation.

7. For the better preventing and eviting of all Perils and Dangers that may be in the incoming to this Port, the Magistrates are hereby obliged to entertain continually the Marks, Beacons, Tunns and Buoys at the Entry of and within the Channel, leading to this Town, in all places where it shall be found needful. And also, that knowing and experienced Pilots and Pink-men be appointed to bring out and in the Ships belonging to the Scots Staple (at the Charge of the Employers) in stormy, misty and dark weather; and as oft as the said Pilots shall be imployed and made use of, but not otherways in any sort, their Sallaries shall be payed conform to the Regulation, on ordinary occasions made by the Magistrates, together with the Conservator or his Depute. And if through Tempest or stormy Weather, any Ships of the Scots Nation be in danger, and for their safety the Skipper be compelled, or necessitate to promise to the Pilots an exorbitant Pilotage by them required, for inbringing of the said

said Ships, in that case the Skipper when arrived, shall not be obliged to pay all that was promised, but the Magistrates of this Town shall moderate the same, conform to Equity and Reason, whereby all Extortion in such Cases may be prevented.

8. To the intent the Ships of the Scots Nation coming to the said Town of *Campvere* may be well accommodate with a large and spacious Haven and Key for the keeping, lying, and Liberty of the said Ships and Goods, the Magistrates are hereby obliged to appoint for them the whole Key wherewith the Scots Ships have been served in time bygone, from the great Bridge, till opposite to the House of the *Heer Balien de Konink*, formerly the House called the Oliphant, and that the same be kept free only for the Use of those of the Scots Nation, provided with Pales or Posts, Cranes, good help of Assistance of Boats, Dickboats, and Lighters, especially in time of Frost; and when Ships cannot come to the Haven, that there be appointed a good Number of Sleds, Wagons and Labourers for the timely loading and unloading of their Ships and Goods, which Labourers Hyre shall be regulat by the Conservator and Magistrates of the Town. And if it shall so happen that the Haven so provided by the Magistrates be not sufficient to contain all the Number of the Scots Ships that shall happen to come; in that case the Magistrates shall cause accommodate them with so much more place as shall be needful by causing their Haven-master remove all other Ships from the Shore, to the end there may no Controversy fall out betwixt the Mariners of the Scots Nation, and those of other Nations. And the Magi-

Magistrates shall take such Order in this Point, that those of the *Scots* Nation may have no cause to complain. And the Haven-master shall be ordained by the Magistrates to keep the said Keys void and clear, that the Ships of the *Scots* Nation may commodiously load and unload without any Hindrance or Molestation. The Haven-master shall likewise take care, that on all Occasions when the *Scots* Ships are going out, or coming in, the Haven shall be patent without any Impediment. And if the Shore-masters, or any in their Names, shall maliciously cast loose, or cut any Cable or Rope upon the Shore of any of the *Scots* Ships, he shall be punished therefore by the Magistrates, at the sight of the Conservator or his Deputes. And if the Magistrates or Shore-master fail in any of this Article, the Magistrates to be liable for all Cost and Skaith incurred thereby.

9. That the Merchants of the *Scots* Nation coming to this Town, may in their Negotiations be well served with Pioneers, Labourers, and Workmen, and with Cellars, Ware-houses and Lofts at reasonable Prices to be paid by the said Persons; and in case any Burger, or other Inhabitant shall demand of the said Merchants unreasonable Hyre, the Magistrates of the City shall modify the same, and the Hyre of the Labourers and Work-men shall be payed according to the Rates that shall be agreed on by the Magistrates and Conservator; whereof a List for that end shall be made and published, viz. For the Sleds, Wagons and Work-men, also of the Skippers of Ships and Scouts that shall go with any Goods from this Town to *Middleburgh*, or any other place within

in the Seventeen Provinces, which the Skippers, Labourers and Work-men shall be holden inviolably, to observe and keep conform to the Tenor of the same; and the Skippers of the Ships and Scouts to be liable for any Damage sustained betwixt *Middleburgh* or any other place and *Campvere*, occasioned by their Default. And all Merchandize and Goods livered out of the Scots hSips, shall be carried and transported off the Shore in Winter before three Hours Afternoon, and in Summer before six Hours Afternoon, And if any of the said Labourers or Work-men shall commit any Incivility by Word of Deed, to any Merchants, Factors, Skippers, Mariners, or other persons belonging to the Scots Staple, the Magistrates shall cause forthwith such to be punished, according to the Demerit of the Fact. And in case any of the Goods or Wares belonging to the said Merchants, comes to sustain any Damage or Loss by the Unadvertancy, Wilfulness and Delay of the Crane-master his Substitutes, or his Servants by him imployed for loading and unloading of Ships, the Crane-master shall be obliged to make good the said Damage and loss so occasioned; and in case of Refusal, shall be thereunto compelled by the Magistrates. As also the Work-men and Sledemen shall be obliged and constrained to make good the Damages occasioned by them.

10. For the better Accommodation of those of the Scots Nation within this City, there shall be provided for, and given to them for their Use a good large and wholesome House fit for a Conserjory, which House shall be free of all Excise and Imposts upon all sorts of Wine and Beer, and the House Rent, and Reparation of the samen House shall

shall be at the charge and Expense of the Town of *Campvere*, and the Magistrates shall sufficiently repair and dress the House, that formerly to the Date hereof, has been imployed and made use of for those of the *Scots* Nation, and which now is in a bad Condition. And in case that House, after the Reparation that shall be made, will not be found fit for a Conserjory, the Magistrates shall be obliged to provide and give another and more fit House for a conserjorie, and to enlarge and accomodate these Houses till they be sufficient and great enough. And if it shall be found necessary to set up another Conserjory, the samen shall enjoy the same Priviledges with the first Conserjory, only the Rent of the House shall be at the Charge of the Nation, and what is through Wilfulness or Negligence broken within the House, shall be to the Charge of the Conserjorie.

11. If it shall happen (which GOD forbid) that any of the *Scots* Nation belonging to the *Scots* Staple Court, or having any Dependence thereon, should in this Town, or Jurisdiction thereof, commit such a Crime or Fault, for which he ought to be punished capitally by the loss of Life and Limb : In that case it is by this Article agreed unto, That (notwithstanding of the fore-said Crime) his Goods shall not in any sort be liable to Forefaulture or Confiscation, but the samen shall remain free to his Heirs and Executors, only paying ten Pounds Fleemish. according to their Priviledges granted to this Town on such like Occasion, by the Earls of *Zeland* : And in like manner all the Goods that shall be found in his Custody, belonging to any Merchant Principal or Friend, shall not be liable to any Confiscation for

for any Offence by him committed, altho it were *in crimine lese Majestatis* of whatsoever kind the samen may be, but the samen Goods shall be holden free, and shall be delivered to the right Heirs and Proprietors thereof: And also no person which may be guiltless and innocent, shall for the Offence, Guilt, or Fault of any other be in any ways arrested, or molested in his Person or Goods, except he shall be found bound and obliged either in Person or Goods for another.

12. That no Arrest on any of the Scots Staple in Person or Goods shall be granted within this Town, or Jurisdiction thereof, except after a Sentence given, or that there be good Ground *de fuga*, or that he is to absent himself, and no Sentence being declared, the Magistrates shall not give Order for Arrestment; but after that first Knowledge thereof is given to the Lord Conservator or his Depute, being in the Town; and in case the Debt be denied, Caution shall be given before his Departure, till that upon Knowledge of the Matter the Process may be determined.

13. That no Native or Stranger Burger of the foresaid City, or Indweller therein, or Jurisdiction thereof, shall have Power, or be permitted to trade, deal, or traffick in *Scotland*, in any Goods or Merchandice which are already declared Staple Commodities, or shall hereafter be declared such by bringing them over themselves, or causing others bring them, upon the Penalty of having the said Goods confiscated *toties quoties* by the Magistrates of the said Town. And if any person of the Scots Nation shall be found in their Name to cover, conceal, or neglect for the above said Persons, they shall be punished by the Conservator

tor or his Depute, according to the Laws and Customs of the Staple Court. And its by this Article further agreed, That no Person of the Scots Nation may be made free Burger of this Town, without Knowledge and Consent of the Conservator and his Depute. And these who are already Burgers, shall in no manner of way be favoured to Trade in Staple Goods, until such time as they have quitted their Right of Burgerhip, and thereafter be legally admitted and declared by the Conservator or his Depute, as Members of the Scots Staple Court, upon the Penalty above exprest, neither shall any Indweller in this Kingdom be admitted under the Staple Court, without the knowledge and consent of the Magistrates.

14 And for the better encouragement of the Navigation and Trade of the Scots Nation, it is by this Article agreed, that in case any Ship or Ships belonging to them be robbed, spoiled or taken at Sea by any Inhabitants or others, holding themselves under the Jurisdiction of the Province of Zeland, the Magistrats of the foresaid City, shall hereby be obliged to endeavour according to their power, that all such Ships or Goods be again Restored with their intire Loading, or what shall be so Robbed or taken, or else cause full satisfaction be given to the person or persons so wronged, proportionally to the right value thereof, and shall cause the Delinquents to be punished according to the nature of the offence. But if so be that the Defender dwell under another Jurisdiction, then the Magistrats shall be obliged by their Pensionary to require the Restitution and satisfaction for the said Damage; and that at the cost and charge of the Town; And fur-

further, that all Goods of Ships cast away, belonging to the Merchants and Factors of the Scots Staple, that shall be saved by any Inhabitant, or other person holding themselves under the Jurisdiction of this Town, or any way concealed or made away by them in any sort, then the Magistrats are hereby obliged to use their Power and Authority, to the end the said Goods or Value thereof may be furthcoming to the right Owner, and the persons so offending to be severely punished, for such their Concealment and unjust Detention; And also in case the said Goods shall happen to be taken up, concealed or imbazled by any person or persons living without the Jurisdiction of this Town, the Magistrats shall use their best endeavour to get the said Goods or their Value again Restored to their right Owners. And in case any Ship or Ships shall be in danger to be cast away in the passage leading to the Town, that then all possible and speedy help shall be employed at the cost of the Owner of the same, for their preservation.

15. In case any of the Inhabitants here being indebted to any of the Staple, shall come to obtain Letters of respite of time, or surety *du corps*, or *cessio bonorum*; these of the Scots Nation shall be favoured, and used in the same manner as any other Creditors Indwellers in this Town: And if it shall happen, that any of the Staple Adebted to any Indweller in this Countrey, or an Indweller Adebted to any of the Staple do come to faill, or otherways that there be need to appoint a Curator over his Goods, then shall the Magistrats together with the Conservator, chuse a Curator *ad opus jus habentium*.

16. For the better securing of the Means of any of the *Scots* Nation that shall happen to die within this Town, the Magistrats are by this Article holden to grant, and to agree unto those of the *Scots* Staple Court, that if any of their Members happening to die or depart this Life untestat, or without making his last Will and Testament, that then and in that case, their Goods and Estates shall and must fall under the Administration of the Court of the Conservator, in so much that neither the Magistrats, nor the Orphans Court in this place, shall have any thing to do with the said Goods, or Estates of the persons so dying or exercise any Authority thereupon.

17. The Magistrats do by this Article promise and consent, that the Conservator and his Deput, may and can use the Prison of this Town at their pleasure, furnished with all necessaries thereto belonging, in which the Conservator or his Deput may cause to be Imprisoned, all such Debtors offenders and evil Doers of the *Scots* Nation, which he the said Conservator or his Deputs shall imprison, and again set at Liberty out of the same at his, or their pleasure, without contradiction, or being obliged to give an Information thereof to the Town Magistrats, and that the Master or Keeper of the Prison-house, or his Officers, be obliged to give all dutyfull assistance to the foresaid Conservator or his Deput, as often as he or they shall be thereunto required.

18. And for the better securing the Trade of the *Scots* Nation; It is hereby agreed, that the Magistrats upon all convenient and fitting occasions in time of War and Danger, shall procure from the Court of Admiralty in *Zeland*, two
well

well furnished Ships of War, not mounted under thirty Guns a piece, that may freely attend in Convoy upon the Ships belonging to the *Scots* Nation, to any place or places within the River of *Forth*, or any other place in the Kingdom of *Scotland*, the first of *April*, and first of *October* thereafter, *Old Stile*, yearly, to be the first time for the said Convoys to attend, unless upon some Emergencies falling out, that the Conservator or his Deput acquaint the Magistrats of *Campvere*, to send the said Convoys sooner, or later, which they shall be hereby obliged to agree to; and the said Convoys shall wait and stay there fourteen, or at farthest twenty days, for to bring or convoy back the saids Ships or any other Vessels to this Town and place; And the *Scots* Ships being here, the Magistrats shall use all endeavour (as they have heretofore done) that they shall again return with good Convoys.

19. It is by this Article agreed, likewise, the Magistrats of this Town, promise and condescend to cause good and sufficient Watch to be kept on the streets in the Night-time, especially in those places where the greatest part of the Ware-houses of the said Staple Court are: And shall also take care that the Inhabitants and Burghesses of this Town, shall carry and demean themselves peaceably, and in a friendly manner to all the Members of the said Staple Court. And further, the saids Magistrats consent by these presents, that those of the *Scots* Staple may take in their service, such a Doctor of Physick, Chirurgeon-Barber and Apothecary, as they shall think fit, without any contradiction; who shall enjoy all such Immunities and Priviledges, as by Right and Custom

from belong to the Doctors in this Town, and all other Doctors, Chirurgeons and Apothecaries dwelling in this Town, shall also be freely permitted to practise among all such of the *Scots* Nation as reside here: As also, the Magistrats do promise to the Chirurgeon of the *Scots* Nation, a fit free dwelling. The Magistrats are by this Article, obliged to provide and appropriat to the use of those of the *Scots* Staple, a convenient place for their Merchants and Factors, wherein to air and dry their Sheep-skins, Hydes, or other Goods, which may be in danger to be damnified by Water or otherways. As also to afford those of the *Scots* Nation a convenient place within or near this Town, whereunto they may resort for their bodily Recreation; and likeways Liberty and Freedom to the Conservator, his Deput Court, Officers, Merchants and Factors, to Fish, shoot, Hunt and Hawk in all places under the Jurisdiction of this Town, without Let, Hindrance, or Molestation, with the same Freedom the Magistrats themselves enjoy.

20. And in case (as GOD forbid) that by reason of any Intestine War, or Plague, the people of the *Scots* Nation, may not with security and safety to themselves frequent this Town, then it shall be lawful to them to Transport themselves with their Goods and Merchandize, freely to any other Town or Place they shall think fit, provided always they pay before their Departure, what they shall be justly Adebted to any Inhabitant within this Town. And the Magistrats shall by this Article, be obliged to help and assist the said Nation, with Ships, Scouts, and all other things necessar for their Transportation, upon their

reasonable charges; And in like manner the Magistrats are by this Article holden and obliged, that if in case (which GOD prevent) any Difference should arise between the King of *Great-Britain* and these united Provinces, whereupon Hostility and War may ensue, in that case they are to give safe and sure Protection, to all persons of the *Scots* Nation, for six Moneths time after the publication of the said War, according to the thirty second Article of the general Treaty between the King of *Great-Britain* and the States General, to the end that those of the *Scots* Nation, may recover and get in the Debts due to them; and also pay what they may be Owing to any of the Inhabitants here; and thereafter withdraw themselves to any other place they shall think fit, the Magistrats affording them the same assistance mentioned in the foregoing part of this Article; And when the Pestilence or War is over, shall be obliged to bring the Staple again to this place.

21. If any of the *Scots* Nation shall happen to Marry with any Woman in the *Netherlands*, or within the Town of *Campvere*, and after the said Marriage, reside here under the Staple Court, the said Woman shall be holden to be under the Government of the Laws of *Scotland*; and that she neither shall nor may by Contract of Marriage or otherways detain, keep, or dispose of her Husbands Goods, to the prejudice of his lawful Creditors. But concerning that she must be regulat conform to the Laws of the Kingdom of *Scotland*, and likeways that no person whether Man or Woman, depending upon the foresaid Staple, be permitted to dispoise of their Goods by Testament, or otherways contrary to the said Laws of

Scot-

Scotland, and Staple Court ; and all Tutors and Curators of Children in Minority, shall also be regulat conform to the said Laws.

22. And whereas the Trade and Commerce of the *Scots* Nation doth consist not only in the Importation, but also in the Exportation of Goods and Merchandice, in which also the Town of *Middleburgh* may be concerned ; 'tis agreed on that account, that the Magistrates of this Town shall make the same known to the Magistrates of *Middleburgh*, to the end the Conservator, and others belonging to the Staple Court, may be treated and used in that town with all kindness and friendly Respect, and have the same Freedom and Immunities that any Free Burger here may enjoy there.

23. And for the better observance of the Staple Port, it is by the Royal Burrows agreed to, and in all sincerity promised ; likeas they hereby promise, that no Staple Goods contained in the List thereof, specified above in the third Article, shall be brought or sold in any Harbour or place of the united Provinces, but to the Staple Port, under the pain of Confiscation of all their Goods, and that the Conservator shall be holden and obliged rigorously to punish and prosecute the Transgressors, or (if need be) their Cautioners without any Connivance, Dissimulation, or Delay, according to the Laws of the Staple. And it is by this Article condescended on, That the Magistrates of this Town shall in the most efficacious manner, make a suitable Address to His Majesty the King of *Great-Britain* as Stadt-houlder of *Holland*, for interposing his Authority ; that in case any of the *Scots* Nation shall import any
Staple

Staple Goods to any other town or Place of the Provinces besides the Staple Port, that the Respective Magistrates of these Towns or Places, may by his said Majesty be obliged to assist the Conservator, his Depute, and other Officers for bringing those of the *Scots* Nation to condign punishment, according to the Nature of the Offence. And in case Justice cannot be obtained in these Towns, or places in these Provinces of the *Netherlands*, then the Conservator shall prosecute and cause punish the said Persons so transgressing in *Scotland*, according to the Ordinances of the Royal Burrows and Acts of Parliament of that Kingdom, statute and ordained for that effect.

24. Besides the Species of Wine and Beer, which heretofore have been free of Excise and other Imposts; so also the Salt bought here by any of the *Scots* Nation, shall be free of the said Duty, in regard it much concerns Merchandice. And for the avoiding of Fraud and Deceit that may happen thereanent, a Billet must be taken from the Pachters, under the Pain enjoined to the Inhabitants by the publick Placats of this Land, and the said Wine and Beer to be carried by the ordinar Wine and Beer Work-men.

25. Likewise it is agreed, that the Magistrates do appoint an Anchor with a Buoy thereon to be laid out in the Road before the Haven; whereby Ships belonging to the *Scots* Nation may the more safely come into the Road, in case of Easterly and Northerly Winds.

26. As also, when any of the *Scots* Ships can help or accommodate one another with the Ballast from their Ships, the Scout-men shall not be permitted to object against the same, and they shall

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only demand Payment for such a Quantity of Ballast as they shall be ordained to bring aboard, and not more, providing that it be no less than six Last at one time.

27. And that all Skippers and Masters of Ships, as well as the Residenters of the *Scots* Nation, are hereby holden to be free of the Excise of the Wine, Beer and Salt, and to have constantly Billets given them, without paying any thing for the same.

28. That the Magistrates shall every year, in *January*, cause assemble the Crane-masters, Weighers, Measurers, Work-men, and other Persons with whom those of the *Scots* Staple, shall have to do, and cause to be read and published before them, all and every the Tables that shall be agreed upon for the Hyre, and Sallary that may be demanded by the said Persons: and also to cause read any part of these Articles, wherein the abovementioned Persons may be concerned, to the end they may the better know how to regulat themselves therein, and give all ready Obedience thereto: And in case any person shall contraveen the same, they are to be punished by the Magistrates, according to the Demerit of the Offence.

29. And whereas it will be necessary, that the said *Scots* Staple Court should be provided, and furnished with faithful and fitting Messengers, Officers, and Servants, and also with Brockers, Weighers, and Measurers; that therefore the Magistrates of this Town, with the Knowledge and Friendly Deliberation with the Lord Conservator shall choose and place so many Honest, Good and Knowing Persons as may be requisite for these

these Offices; and they shall be chosen as well out of the *Scots* Nation, as Inhabitants of this City; all which Persons so admitted, are to give the Oath of Fidelity before the Magistrates of this Town, and also before the Conservator, for doing right both to Buyer and Seller, the Magistrates are likewise obliged to have in their Weigh-house, or Ballance Iron Weights, that may be conform to the Weights of *Amsterdam*.

30. The Conservator and his Depute may fully and freely enjoy all such Exemptions, Immunities, Priviledges, and Prerogatives, as by Law and Custom belong to the Office of Conservatorship, in as ample manner and Form as ever any former Conservator had and enjoyed upon all Occasions. And also the *Scots* Nation shall enjoy Freedom and Exemption from Excise and Impost upon Wine, Beer, and all other sorts of Drink, so as the foresaid Nation has enjoyed, conform to old Contracts. And particularly it is agreed, that every Master of a Family living under the Staple Court, *viz.* The Minister, the Factors, the Members of the Court, such as the Clerk, Fiscal, and Officer, the Doctor, Chirurgeon and Apothecary, the Broker, Metiter, Precenter and Clerk, &c. shall have the Freedom and Exemption from Payment of Excise and other Imposts upon what Turff, Wood, Coals and Soap, so as they formerly have had, and the Conserjory House shall be free of Excise, and Impost on all Vivers and Firing, and all that is above written. Likewise the said Nation shall not be obliged to pay any thing for going out and coming in at the Town Ports by Evening, nor either to go to watch, nor training, nor to pay any Money for the Freedom thereof,

whether by Composition, or otherways. Likewise the said Nation shall be free from Quartering or Lodging of Souldiers in their Houses. And it is expressly agreed on, That the foresaid Freedoms, Rights and Priviledges shall be enjoyed by the Widows of the above said Persons, so long as they continue Widows and unmarried. And if any of the above persons have Occasion, as their Conveniency requires, to kill one, or more Beasts for their Use, they may freely do the same, making it known to some of the Magistrates, or their Pachter of the Slaughter Money, without paying any thing for the same.

31. Further, it is mutually agreed and conceded on, That if at any time hereafter it shall be found convenient by the Magistrates of this Town, or the Conservator, with consent of the Royal Burrows, to amplify and explain any of the foresaid Articles, or to add to the same any other Points or Articles, which shall be found necessary for the further Benefit, and Advantage of the *Scots* Staple, and this Town, besides those Articles which stand specified in this Agreement; in that case the Magistrates, and the Royal Burrows, with the Will and Consent of both sides, shall amplify, explain, or add to these Articles as shall be found equitable, and the same to be holden as if they were insert in this Contract.

32. It is also mutually agreed, that for the better encouragement of the Commerce of the *Scots* Nation within the Town of *Campvere*, the Magistrats are hereby bound and obliged to cause Erect a Bank of Money, within this Town, within half a year after the settlement of the Staple Port, whereby the Merchants, Factors and others
of

of the *Scots* Nation, may be furnished from time to time, with such sums of *Money* as they may have occasion for, upon security to them by delivering the Merchant Goods to the Factors, giving security to the Bank at a half *per cent.* in the *Moneth*, & *pro rata*, for the Days, *Moneths*, and Years, until the same be again Re-paid. It is hereby also provided, that during the time of War, *Money* being scarce and at high Rates in the Interest, the said *Merchants*, Factors, and others shall be obliged to pay for such *Money* as they shall make use of, at such Rates as the necessity of the Times obligeth others to pay ; But so soon as the War is over, then the foresaid Agreement at the rate of six *per cent. per annum*, to be and continue in full force, according to the true meaning and intention of the *Article*.

33. And if any person Inhabitant or Burger of this Town, or any depending upon the Staple Court, of whatsoever quality or condition, shall be found to have acted or done any thing contrary to this Agreement, or any point or clause therein contained ; yet notwithstanding the Agreement mentioned in these *Articles*, shall not be understood to be broken or violated thereby, but the persons contraveining (being *Scotsmen*) shall be punished by the Conservator. And (if a Burger or Inhabitant in this Town) to be lyable to the punishment of the Magistrats, according to the quality of the Offence.

34. And it is hereby agreed, that if any Dispute shall happen to arise betwixt those of the *Scots* Nation and the Ballance Master, concerning the Right of these Goods that are subject to the Ballance, the Ballance Master shall pretend no

Dues for any Goods, but for such Goods as shall be brought to the Ballance and be by him weighed ; and the Merchants shall be free to sell their Merchandize by the Piece, Number or Bulk, without being obliged to bring the same to the Weigh-house. And in like manner the Cran-Master shall not demand from the *Scots* Merchants and Factors, Dues for any Goods, but allanerly for such Goods as he shall actually Unload, and Liver with the said Cran ; Declaring hereby, and it is condescended to, that there be no moe nor new Offices set up, without the Knowledge, friendly deliberation, and consent of the Conservator or his Depute, and that there be no Controller of the Ballance in time coming, nor no Dues exacted on that account, except the samen be desired by the Conservator and his Court, as above.

35. If any of the *Scots* Nation shall through Misunderstanding, Negligence, Mistake, or any other cause whatsoever, omit to make a right and true Entry of their Goods to be by them Imported or Exported, whether in quantity or quality, the saids Goods shall not be lyable to any Fine or confiscation, only the Persons offending shall be obliged to pay the quadruple Duty for the Goods wrong Entred, or concealed, and so the Goods to be free. And the Magistrats have undertaken further, to desire at the Meeting of the States of *Zeland*, that the said Quadruple Duty may be diminished.

36. In case any Question or Difference illegally against Right and Reason, happen to fall out betwixt any of the *Scots* Nation and the Licent-Master, Cullomer, or other Receivers of Toll or
other

other Dues, the said Licent-master, Customer, or Receiver, are hereby obliged to be heard before the Balieu, Burge-master, Shepens, and Council of this Town, to the end the Conservator, or his Deputy, may have knowledge thereof, and that such good Order may be settled therein, that those of the *Scots* Nation may not be Extorted in the payment of the said Customs, and other Duties upon Goods by them Imported or Exported.

37. It is by this Article mutually agreed, that whensoever any *Scots* Ships or Vessels shall by Storm, or otherways be necessitat to come to *Campvere*, having Aboard Staple Goods, but not of intention to Liver within the seven United Provinces, in that case they shall not be troubled nor molested, but shall have liberty to go to their intended Port, without paying any Dues: As also if any Vessel come to the Staple Port, Loaden with Staple Goods, or other Goods that are not Staple Goods, being only intended to Unload a part at the Staple, and is to go to another place without the seven United Provinces with the remainder of the Goods, then they are not to be troubled nor molested, nor to pay any Dues for that which they do not Liver, & the consent of the Admiralty of *Zeland* thereto must be first desired by the Skipper or Merchant.

38. It is by this Article mutually Agreed and Declared, that the continuance of the *Scots* Staple at *Campvere*, shall be for the space of twenty one Years after the date hereof fixt, and thereafter so much longer as the Royal Burrows, and the Town of *Campvere* shall agree together. But this Contract shall take its effect with the concluding and subscribing of the same by the Commissioners on both

both sides. And it is hereby also Declared, that the Magistrats of *Campvere* shall be obliged to procure from the States of *Zeland*; their Ratification, Approbation, and Confirmation of this present Staple Contract, with all the Priviledges, Jurisdiccions and Immunities therein granted to the *Scots* Nation, in such manner, and with the same Freedom in all Respects, as the samen is to be Ratified, Approven, and Confirmed by the King of *Great-Britain*.

39. Lastly, In consideration of all the foresaid Articles, the Magistrats of the Town of *Campvere* with approbation foresaid, promise to observe without the least violation, and cause to be observed all the above-mentioned Articles, so far as concerns them: Likeways the State of the Burrows do promise to observe, and cause to be observed without any the least violation, all the above-mentioned Articles so far as concerns them; And also promise, that with all diligence and faithfulness, Ord.^r shall be ta'en to Inhibit and Discharge any Ships of what Bulk soever without exception, which carry Staple Goods, to come to or frequent any other Port or Haven within the seven United Provinces of the *Netherlands*, than the foresaid Town of *Campvere*; and that all persons that shall do in the contrair hereof, shall be rigorously punished as Contraveeners.

All which being thus done and agreed, the Hcer *Andrew Kennedy* of *Clowburn* Resident of his Majesty of *Great-Britain*, for the Kingdom of *Scotland* in the seventeen Provinces of the *Netherlands*, and Conservator of the Priviledges of the *Scots* Nation there, as Commissioner of the Royal Burrows of *Scotland*, anent the continuance of the *Scots* Staple

Staple in the Town of *Campvere*, by vertue of his Honours Commission. The Lord *William of Nassau* Lord of *Odyk &c. &c. &c.* as Commissioner of his Royal Majesty of *Great-Britain* as Marquiss of *Campvere, &c.* And the Heer Burge-master *Adrian Verelst* as Commissioner of the said Town of *Campvere* also, by vertue of their respective Commissions. In testimony of the truth have subscribed these Presents with their usual subscriptions, and confirmed the same their Honours Seals, at the *Hague* the 25 of *December* S. N. 1697. *sic subscribitur,*

Andrew Kennedy,

*W. de Nassau
A. Verelst.*

And the Heer Counseller *Johan de Mauregnault*, and the Pensionary *Charles Zegers*, both also as Commissioners of the Honourable Magistrats of the Town of *Campvere* foresaid, likewise by vertue of their commission have subscribed these Presents with their usual subscriptions, and confirmed the same with their Seals at *Campvere* the 29 of *March* 1698, N. S. *sic subscribitur,*

J. Mauregnault.

C. Zegers.



A M P L I A T I O N

Of the foregoing

Staple-Contract,

Consisting in these following

ARTICLES.

1. **W** Hereas the Noble and Mighty Lords of the Council, and of the *Accompts* of his Royal Majesty of *Great-Britains* Domains at the *Hague*, by a certain Marginal Decision or Disposition dated the 13th. December 1697, upon a presented Petition, have been pleased to find good and understand, that during the new made *Scots* Staple Contract, a *Scotsman* shall be appointed Pachter, and sworn Metster of the foresaid Staple Goods, he being obliged yearly to pay and perform all that the former Metster did pay and perform. It is for the foresaid Reasons by this Article agreed to, that during the above-mentioned Staple Contract, a *Scotsman* in manner foresaid shall be Pachter and Metster, and that the Magistrats (for so much as concerns them) shall willingly permit, that the chusing of him be left to the disposition of the Lord Conservator.

2. It is also agreed, that the Magistrats of the Town of *Campvere* by a Missive in the most powerful

ful manner, shall desire of his Majesty of *Great-Britain*, that by his high and very great Might, he may be pleased to bring to pass, that the high and mighty Lords, the States general, Ratifie also this Staple Contract, so as the same conform to the thirty eight Article of the foregoing Contract, must be Ratified by the Noble and Mighty Lords the States of *Zeland*.

3. Seing the Lord Conservator does suppose, that after a little time he may obtain, that Lead-Ore coming from *Scotland*, shall be sent to the Staple Port, providing that the same do enjoy the Freedoms and Priviledges as all Staple Goods; Therefore it is by these presents agreed, that the foresaid Lead-Ore (which in the third Article of the foresaid Staple Contract, does not stand specified among the Staple Goods therein-mentioned) so soon as the same shall be brought to the Staple Port, shall enjoy in all respects the Freedoms and Priviledges, as above.

4. The Magistrats of *Campvere* have hereby undertaken to write a Missive to the Royal Burrows, and thereby to say, That their Honours for so much as concerns them, shall maintain and preserve the Jurisdiction of the *Scots* Nation within their Honours Town, during the time of the foresaid Staple Contract, in trust and expectation that the foresaid Royal Burrows on their side will also maintain, and preserve the said *Scots* Staple Contract.

5. It is agreed, that amongst the Officers specified in the nineteenth & thirtieth Articles of the foregoing Staple Contract, there shall also be holden and as Ranked a Nottar, and that he shall enjoy all such Priviledges and Freedoms, so as
by

by the abovementioned Two Articles (in relation to the Offices therein specified) is exprest. And therefore the said 19th. and 30th. Articles are hereby for so far amplified therewith.

6. And it is furdur found good and agreed to, That the Lord Conservator shall enjoy his Lordships yearly Gratuity, or *Honorarium*; so as the same has been enjoyed by former Conservators his Predecessors.

7. Lastly, the Parties Contracters on both sides, have hereby bound and obliged themselves to cause ratifie and approve so soon as possible, the foresaid Staple Contract: with all these foregoing separate Articles, each for their own Parts, where the said Contract, with the said separate Articles ought to be ratified and approven.

All which being thus done and agreed, the Heer Andrew Kennedy of Clowburn Resident of his Majesty of Great-Britain, for the Kingdom of Scotland, in the Seventeen Provinces of the Netherlands, and Conservator of the Priviledges of the Scots Nation there, as Commissioner of the Royal Burrows of Scotland, anent the Continuation of the Scots Staple in the Town of *Campvere*, by vertue of his Honours Commission above insert. The Lord William of Nassau, Lord of Odyk, &c. &c. as Commissioner of his Royal Majesty of Great-Britain, as Marquis of *Campvere*, &c. And the Heer Burgemaster Adrian Verelst as commissioner of the Honourable Magistrates of the foresaid Town of *Campvere*, as also by vertue of their respective Commissions. In testimony of the Truth, have subscribed these Presents with their usual Subscriptions, and confirmed the same with their

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their Seals at the *Hague* the 25 December 1697;
Sic subscribitur.

Andrew Kennedy.

W. de Nassau.

A. Verelst

And the Heer Councillour *Johan de Mauregnault*, and the Pensionary *Charles Zegers*, both also as Commissioners of the Honourable Magistrates of the Town of *Campvere* foresaid: Likewise by virtue of their Commission insert have subscribed these Presents with their usual Subscriptions, and confirmed the same with their Seals at *Campvere* the 29 of *March* N. S. 1698. *Sic subscribitur.*

J. Mauregnault

C. Zegers.

This Contract was upon the 20th. Day of *March* 169⁸ Ratified by the King conform to his Ratification Superfcribed, and Docketed, by his Command, by the Earl of *Seafield* Secretary.

The King as Marques of *Campvere* is a party Contracter, and gives

gives a Commission to the Lord Odyk for that Effect, but still his consent as King of *Britain* is necessary, that altho the Burrows enter in the Contract, their Sovereigns Approbation makes it the more Solemn.

These forgoing Articles show the mutual Obligations of the parties Contracting, and the Privileges of the Royal Burrows at *Campvere*, during the continuance of the Contract.

The Conservators Jurisdiction is also Obvious, for the *Scots* are only Subjected to it in matters of Trade, or other Differences among themselves.

And by the 81 Act, P. 6. *Ja. 4.* It is Statute That the Conservator have Jurisdiction to judge with six, or at least four Honest Merchants with him, betwixt Merchant and Merchant beyond Seas, and that no Merchant pursue another, before
any

any other Judge, under the pain of Five Pound,
and the Parties Expences.

There is no Unfree-man can
Trade to the Low-countreys, un-
der the pains contain'd in the 97
Act *Parl. Ibid.* which is here set
down.

For avoiding of the Great Multitude of Sailers
to the parts of *Flanders*, to the Dishonour of the
Countrey, their awen Hurt and Tinsel, and great
hindrance to the *Burrows*, and for restraining of
Unfreemen that haunts and frequents the said
parts in Merchandice in time coming. It is Sta-
tute and ordained by our Sovereign Lord, with
Advice of His three Estates of this present Parlia-
ment, That nae Unfreeman haunt or use the Traf-
fick of Merchandice in time coming, specially
in the Low Countries, under the King of *Spains*
Dominion, under the pain of Confiscation of all
their Moveable Gudds doand in the contrar;
and that the Conservator of the Priviledges of this
Nation, search and seek the Contraveiners, ef-
cheat their said Gudds, the Twa part to our So-
vereign Lords use, & the Third part to his awin use
for his Labours, and that he make Compt, Reckon-
ing and Payment of his Intromissions, to our So-
vereign Lord, and his Thesaurer ains every Year.

This

This Act makes it clear, that none but Burgesſes, Free-men of Burghs-royal, can Trade to the Staple Port, Except they have the Benefit of the Communication of Trade from the Royal Burrows, in the Terms of the late Act of Parliament.

S E C T. VI.

Of the Privilege of the Royal Burrows in ſending Commissioners to Foreign States, to Treat in any thing concerning their Trade.

AS the Burrows have always taken care to Regulat their Trade at Home, ſo they have with the ſame care uſed their Endeavours to preſerve it Abroad.

The

The *Scots* have Injoyed Great Privileges in *France*, by their Ancient Leagues and Allyances in that Kingdom ; and these Privileges have been preserv'd to them for Hundreds of Years Inviolable, by which they had Immunitys and other Advantages of Trade not allowed to any other Nation.

Hiftorians give Account that our Ancient League with *France*, was made betwixt *Charle-magne* King of *France*, and *Achais* King of *Scots* Anno 792, and that these Nations since that time, have Assisted and Defended one another against their Enemies.

It not being my Business to trace the History, I shall leave it to those more capable and better acquainted with it, only shall show that we had Privileges of Trade in *France*
I and

and Immunitys of Taxes: and when we were les'd in them, that the Royal Burrows sent their Commissioners to inquire in the Causes why these Privileges were violat, and to Treat thereanent.

King *Ja. 4th.* in his *3d. Parl. Cap. 23.* Confirms the Alliance with *France* as by the Act, *viz.*

It is ordein'd and concluded, That the Alliance and Confederation maid of before of Auld and new, betwixt the Realms of *Scotland* and *France*, the Kings and Princes of the samen, be the Advice, Conclusion and Deliverance of the Three Estates be renew'd, reform'd and interpreted in the Form of the Auld Alliance and Confederation made betwixt them and their Realms, and Leiges of befoir. And attour, to obtain and procure others New Franchises and Priviledges, to the Honour and Profit of our Sovereign Lord his Realm and Leiges, and to the Gude of Merchants, that our Sovereign Lords Leiges usand thay parts, have sick Freedom within the Realm of *France*, and Bounds of the same, likeas the French Men has within our Soverain Lords Realm and Bounds, and quhair the samen Priviledges and Freedoms are not, nor has not been observ'd, nor kept in times bygane, to require Reformation of the same, according to the Form
of

of the said Alliance and Commissions to be made in due Form thereupon.

This Act was in the Year, One Thousand four Hundred and ninety One.

In the Year 1518, *Francis King of France*, considering the Ancient League and Alliance betwixt the Kings of *Scotland* and him, and the great and Commendable Services that the *Scots* have done for the Crown of *France*; He excem'd all the *Scots* Nation who should be trafficking within his Kingdom, of the New Imposition of 12 Deneirs Tourneys upon the Pound uplifted in the City of *Deip* upon all Foreign Merchandice.

In the Year 1554, King *Henry* of *France* considering that his Father had granted the foresaid Exemption to the *Scots* at *Deip*, and

being always of Intention that those of the *Scots* Nation as his Good and Ancient Friends, Allies, and Confederats, should Injoy the said Privileges thro' the whole Countrey of *Normandy*; Therefore he declared upon the Account of Ancient Leagues, &c. That the *Scots* shall not be obliged to pay for Goods bought in *Rouan*, or in the Countrey of *Normandy*, or any City thereof to be taken to *Scotland*, any other Dues but what were Anciently in use to be payed before the New Imposition, of which he exempted them.

In the Year 1558, all *Scots* men are Naturalized in *France*, as the *French* by Act of Parliament are Naturalized in *Scotland*.

In the Year 1599, the Grants and Immunitys by the King of
France

France, are again Ratified as at length in the Ratifications.

Notwithstanding of all their Privileges, yet it seems there have been some Difficultys in getting allowance of these Dutys, by Reason of doubts, whether or not the Goods were Imported to *France* from *Scotland*, upon which there being a Proclamation by the *French* King against *Scots* Merchants going to *France* without the Queen of *Scotland* her Licence in their favours, and this Licence to be brought to *France*. The Convention of Burrows in Anno 1567, Appoint Commissioners to go to *France* to get the Effect of this Proclamation taken of.

In the Year 1570, they again give Commission to one *Nicol Edwards* to go to *France* to get

their Trade freed of the new Impositions ; the Burrows then stented themselves for a 1000 Merks to pay his Charges. Thir Commiſſions have been renewed in the Years 1580, 1592, and 1598.

In the Year 1598, *Thomas Fisher* Merchant, is Commiſſionat to go to *France* to get down the new Impoſt laid upon Goods there, and the Burrows laid on a certain Impoſt on *Scots* Goods going to *France* for the ſpace of one Year to defray his Expence in that Expedition. It appears he got the deſign of his Commiſſion Effectuat. For,

Houſton in his Diſcourſe of the Alliances betwixt the Crown of *France* and *Scotland*, Fol. 27 relates, ' that *Thomas Fisher* in the Year ' 1599, (which was the next Year ' after he got his Commiſſion) having

' having applied to *Henry* the 4th. of
 ' *France*, and having Represented
 ' the Antiquity of the Alliances, and
 ' the Rights, Privileges, and Libertys
 ' that were granted to his Countrey,
 ' and that he was sent to Complain
 ' upon the Attempts made to alter
 ' them. That Prince to shew and
 ' witness that he had the same
 ' Good Inclination and Intention
 ' with his predeceffors, Ordain'd
 ' that the *Scots* should not be forc'd
 ' to more exactions than they were
 ' in use and wont to pay. And
 ' his Majesty wrot with his own
 ' Hand to the late *Monsieur de la*
 ' *Court* first president of *Rouan*,
 ' an Exprefs Command and Order,
 ' to Maintain and Preserve the
 ' Rights and Privileges of the *Scots*,
 ' so Careful (says he) was that Maga-
 ' nanimous Prince to joyn to the
 Reputation

‘ Reputation of his Valour, the Re-
 ‘ putation of his Justice and Equity,
 ‘ and that he would not fail in the
 ‘ Duty of Friendship maintain’d be-
 ‘ twixt the two Nations from the
 ‘ Ancient Times.

There having been (since that
 time) some Incroachments on the
Scots Privileges, the Burrows in
 the Year 1634, or 1635, sent
Jo. Trotter Commissioner to *France*
 to get down the new Impositions. In
 Anno 1648, there is an ample Com-
 mission Granted to Col. *Thomson*
 for agenting the *Scots* Libertys in
France. And in *July* 1684, the
 Burrows gave a Commission to
 Mr. *William Aikman* to go to
France upon the same Account,
 and they Write to my Lord *Pre-*
stone (who was Ambassador from
 King *Charles 2d.* to that Court)
 for

for his Assistance, who very readily comply'd and presented a Memorial to the *French* King: The Copie of which being among the Records of Burrows, and it containing several Services done to the Kings of *France* by the *Scots*, with an Inventar of the Privileges granted to them by these Kings on that Account, I have thought proper here to Insert it.

(138)

AN
MEMORIAL
OF
Several Services done
TO THE
Kings of FRANCE
BY THE
SCOTS,

WITH

An Inventar of the Privileges
granted to them by those Kings
upon that Account.

First, **F**avine Froissard, and all the French
and English Historians make menti-
on of the Ancient League made be-
twixt Charle-magne King of France
and Achains then King of Scots,
Anno 792, whereof the said Favine has the whole
Articles

Articles, after which, in pursuance of the said League, he sent his Brother *William* accompanied with 4000 *Scots* Souldiers to assist *Charle-magne* against *Saxons* and his other Enemies; for which he sent to the King of *Scots* the double *Tressure Fleure contra Fleure*, which the Kings of *Scotland* have always since carried about their Arms to this day.

All the foresaid Historians do likewise shew how *Malcolme Canmoir* 86th. King of *Scotland*, Anno 1096, did send a number of Souldiers to assist *Hugh* the great, Brother to *Philip* King of *France*, in his Voyage from the Holy Land.

Likewise they declare most clearly, how *Henry* the 2d. King of *England* after a long War with *Malcolme* the 4th. the 92d. King of *Scotland*, because of the *French* his Confederates, he conquest the County of *Northumberland* from him, which is the greatest Province of *England* at present, and altogether dispossest the *Scots* thereof, without ever being able to recover the same.

As also, the said *Henry* took *William* King of *Scotland*, Successor to the said *Malcolme* his Brother Prisoner in his Wars against the *English*, at the request of *Lewis* the 7th. called the Young King of *France*, for assisting *Henry* the eldest Son of *Henry* the 2d. against his Father, albeit the said *William* had married *Emerigard* Daughter to the Earl of *Beaumont*, the King of *England*'s near Cousin, and the said *William* sent *David* his Brother with *Philippus Augustus* King of *France*, accompanied with many brave Souldiers to assist him in his Voyage from the Holy Land.

It is likewise easie to observe, how *Alexander* the second, after having assisted at the Coronation of *Lewis* the 8th. eldest Son of *Philip* King of *France*,

France, he renewed the Ancient League at *Bologne* with the King of *France*, adding thereto several new Conditions.

Likewise it is remarkable how *Alexander* the 3d. King of *Scotland* sent many of the great Lords of the *Scots* Nobility, accompanied with *Scots* Souldiers with the King *St. Lewis* in his two Voyages to the Holy Land. And its to be noted how the *French* Historians do shew, how upon the account of the said Alliance King *John* of *Scotland* was taken Prisoner by *Edward* called *Longshanks* King of *England*, and that his Successor King *Robert Bruce*, Anno 1324, did nevertheless renew the Ancient League with *Charles* called the good King of *France*, adding thereto several new Conditions.

Paulus Emilius, and all the *French* Historians do fully show, how *David Bruce* King of *Scotland* Anno 1340, was personally present with *Philip de Valois* King of *France*, against *Edward* the third King of *England* his Good-brother, making War against him in *France* at the time, when these two were contending for the Crown of that Kingdom, and immediately after his return to *Scotland* (having refused several Offers from the *English*) making War in *England*, he was taken Prisoner, and payed for his Ransom two hundred thousand Merks *English* Money.

Charles the 5th. and after him *Charles* the 6th. being extreamly troubled through the *English* their entring into *France*, and ruining the same, Anno 1385, the Admiral of *France* being sent into *Scotland* with two thousand *French*, made such Incursions with the *Scots* into *England*, that the *English* were forced to return to defend their own Countrey.

Anno

Anno 1420, Its most notour how *John* Earl of *Buchan*, and *Archibald* Earl of *Wigtoun*, accompanied with 7000 *Scots* Souldiers, did assist *Charles* the 6th. and *Charles* the 7th. his Son, and after *Thomas* Duke of *Clarence*, General of the *English*, was killed, they gained the Battel of *Beauge*, and did several other brave Actions, and how the said Earl did refuse to leave the *French* side, albeit the *English* offered to set at Liberty *James* the First King of *Scotland* then Prisoner in *England*, for which the Earl of *Buchan* was made Constable of *France*.

Anno 1421, *Murdoch* then Governour of *Scotland*, at the desire of the said *Charles* the 7th. did send back the said Constable with the Earl of *Douglas*, with a great many Souldiers, and upon their Arrival, the Earl of *Douglas* was made Governor of *Turrain*, and both were thereafter killed at *Vernollie*, with a great many of the *Scots* Nobility.

Anno 1424, Its remarkable in the said History how the said *Murdoch* did afterwards send to *France* *Robert Pittillo* a valiant Souldier, with a great many *Scots* Souldiers, and how the Archers of the King of *France's* Guards, and how the *Gens de Armes* were institute of the *Scots*. And likewise *John* Stuart called *Senard* in the *French Annals*, after he had got the County of *Dreux*, and the Segniority of *Concrestant* for his good Service, was at last killed in the Battel of *Huyrans*.

Anno 1433, Its likewise recorded how for rendering the Amity betwixt *France* and *Scotland* the more sure, *Margaret* of *Scotland* was married to *Lewis* the Eleventh King of *France*.

Polydor Virgil shows in his *History of England*, how *James* the 2d. King of *Scotland* making war against the *English*, at the Request of *Charles* the 7th. was killed by the shot of a Cannon in his own Army. As also, the said *Polydor* shows, how for the great Favour carried to the *French*, *James* the 3d. refused to give his Daughter *Cicil* in Marriage to *Edward* the 4th. King of *England*.

The late Historians, and particularly *Feronius*, shows the great Service of *John Stuart* Duke of *Albany*, *Eurard Stuart* and *Monsieur Dubigny* Marshal of *France*, and *Bernard Stuart* their Lieutenant accompanied with a great many *Scots*, did to *Charles* the 8th. King of *France* in his Voyage to *Naples*, and in the Wars of *Italy*.

All the *French* Annals and Historians, *French* and others, show how *James* the 4th. King of *Scotland*, Anno 1513, was killed at *Floundoun*, after he had gained the Battel, having made War at the Request of *Lewis* the 12th. King of *France*, that he might divert, and cause return out of *France*, *Henry* the 8th. King of *England* his Good-Brother.

Anno 1537, The Annals of *France* do declare the great regrate made by *Francis* the first King of *France*, for the death of his Daughter married upon *James* the 5th. King of *Scotland*, for preserving the Ancient Amity inviolably observed betwixt the *French* and the *Scots*.

Likeas it is evident in the said Annals, and in *Feronius*, that the same King *James* the 5th. King of *Scotland* having made War with *England*, at the Request of the said *Francis* the 1st. he died of Grief for the Loss of the Battle of *Sollewā Moss*, against the *English*.

Anno

Anno 1545, The King of France sent *Monsieur de Larges* with an Army into Scotland, to force *Henry the 8th.* to hearken to a Peace then intended.

Anno 1548, Its evident how the Scots favoured the French, when they sent the most Illustrious *Mary* then Queen of Scotland into France to be married with *Francis* the Dauphin of France, for which Service the Earl of *Arran* was made Duke of *Chastleherault*, and Peer of France, notwithstanding the Duke of *Somerſet*, then Regent and Protector of *England*, was coming with a great Army into Scotland, to take her up to *England* for his Nephew *Edward the 6th.* King of *England*, conform to a pretended Treaty made before, betwixt *Henry the 8th.* King of *England* and the Scots: And because the Duke of *Somerſet* did not find the Queen in Scotland, he burnt the Town of *Leith* and *Edinburgh*, the Capital City of the Kingdom, and won the Battel of *Pinkie*, where the whole Nobility of Scotland were almost killed, and taken Prisoners, and the Kingdom of Scotland constantly molested and harrassed by the English, until the two Kingdoms having joined their Forces did oblige *Edward the 6th.* to a Peace, and to abandon the City of *Bologne* in France, and to demolish all his Fortresses in Scotland.

Likeas *Monsieur Seroix* in his *Plaidoyes* makes mention of the Scots Priviledges; whereupon he gained a Cause for *Monsieur Hamilton* a Scots man, against *Monsieur Tanmer*, for the cure of *St. Cosure* and *St. Damien* at *Paris*. And the *Sieur le Brett* in his Book of the Prerogatives of the King, *Tit. Naturalization*, makes mention of the said Priviledges: So that these are the Reasons for

for which the late King of Glorious Memory, after the Example of many Kings his Predecessors, did grant to the *Scots* their Priviledges, which they had bought so dear by the Ruine of their own Countrey, and by the loss of the Lives and Fortunes of the most part of their Nobility, and that since the Union of *Scotland* and *England* under one King, they have not only confirmed their Ancient Priviledges foresaid; but likewise of new did establish in *France* a *Scots* Regiment of Guards, who had rendred considerable Services for the Kingdom, in the Reign of the late King of Glorious Memory: As likewise under the Command of this present King, with the loss of a great many Officers and Souldiers of the *Scots* Nation.

Albeit the things here specified are all set down at large in the *French* Histories and Memoirs both Ancient and Modern, beyond all Dispute; nevertheless, if his most Christian Majesty find the least Difficulty in the Verity thereof, the Proof and Instructions of all that is above asserted, and particularly those aftermentioned are ready to be presented to him upon demand.

1. First, A Treaty containing the said Priviledges granted to the *Scots* betwixt *Lewis* King of *France* called *St. Lewis* and *Alexander* King of *Scotland*.

2. Another Treaty betwixt *Robert* the *Bruce* and *John* King of *France*.

3. An Act of the Parliament of *Scotland*, relative to the like of the Parliament of *France*, Anno 1558, whereby *Mary* Queen of *Scots* then married to *Francis* the Dauphin of *France*, did naturalize the *French* in *Scotland*, as the *Scots* were naturalized in *France*.

4. Let

4. Letters Patents by *Francis* King of *France* Anno 1510 whereby the *Scots* are exempt of all Customs in *Normandy*.

5. An Act of the *Thesaury* of *France* approving the same.

6. An Act of the *Chambre de compts* confirming the same.

7. Letters patents by the same King to his Council of State for expediting the same.

8. An Act of the said Council approving the same.

9. An Act of the Court of *Ayds* approving and confirming the same.

10. Letters patents by *Henry* the 2d. King of *France*, bearing Exemption to the *Scots* of all Customs in *Normandy*, and upon the back, the consent of the Parliament of *Roman*, and the Approbation of the Court of *Ayds* thereof dated, 1554.

11. Letters Patents by the same King, carrying Exemption to the *Scots* of all Taxes and Customs in *Normandy*, and through the whole Kingdom of *France*, with the Approbation of the Parliament, the *Chambre* of *Compts*, and Court of *Ayds* at *Roman*, Anno 1554.

12. An Extract from the Registers of the Court of *Ayds*, ordaining, that the *Scots* Merchants carrying Goods from *Normandy* to *Scotland*, shall find Caution, that the said Goods shall be sold in *Scotland*, dated 1554.

13. Letters Patents from the said King *Henry*, discharging the said Caution, and desiring them to give their Oath allenarly, Anno 1554. The same by *Henry* the Great.

14. The copy of a Confirmation to the *scots* of their Priviledges granted to them by the Predecessors of *Henry* the Great, dated *anno* 1599.

15. The copy of another by *Henry* the 4th. to his Court of Parliament, and other Judges, for restoring to the *Scots* Merchants whatever was taken from them, ordaining a free Trade to them through the whole Kingdom, in *anno* 1594.

16. Ane Confirmation by the said *Henry* the 4th. exempting the *Scots* Nation from the payment of any Duty in *Normandy*, Registrat in the Court of Parliament, and Chamber of Compts at *Roman*, with consent of the Kings Advocat there, *anno* 1599.

17. Letters Patents by the same King, direct to the Court of *Ayds* in *Normandy*, whereby the said Act for taking Caution is Rescinded.

18. An Extract from the Registers of the Court of *Ayds* at *Roman* of the same, by the said King.

19. An Extract from the Chambre of Compts at *Roman* of the same.

20. An Extract from the Books of the Custom-House of the same.

21. An Extract from the Books of the Custom-House of *Deip* of the same.

22. Two Orders from the Masters of the Finances in *Normandy*, ordaining the said Letters to be Registrat, dated in *anno* 1599.

23. An Extract from the Custom-house of *Roman*, ordaining the *Scots* to be Taxed, because their Priviledges were not confirmed by King *Lewis* the 13th. dated 1611.

24. Letters Patents from the said King *Lewis* the 13. confirming to the *Scots* their Priviledges, and excoeming them from all Duties in *Normandy*,
and

and Registrat in four of the Courts of *France*, dated in *July* 1613.

25. An Extract of the Court of *Ayds* and *Chambre d'compts* at *Roman* thereof.

26. Letters Patents by the same King, confirming the said Priviledges, direct to the chamber of *Compts* at *Roman*, in the Moneth of *August* 1613.

27. An Extract of the Court of *Ayds*, and Chamber of the said Letters at *Roman*.

28. An Extract of the Custom-house thereof.

29. An Order of the Masters of the Finances approving the same.

30. An Order of the Custom-house of *Haver d' grace*, consenting to the Registration of the said Letters, the said year 1613.

31. An Extract by way of *Act* of the Council of *France*, with consent of the Farmers of the five gross Farms, declaring that the *Scots* Merchants shall pay but 25 *Sols* for every hundred weight of Wools coming from *Scotland*, and for every Hyde two *Sols* two *Deniers*, notwithstanding the new Taxes upon the Dutchie of *Normandy* to the contrair, anno 1635.

32. An Order by the said King *Lewis* the 13th. to the Chamber of *Ayds*, and Master of Ports in *Normandy*, to proceed to the Registration of the said *Act* of Council, and accordingly Registrat the said year.

33. An Extract of the Court of *Ayds* approving thereof.

34. An Extract of the Custom-house of *Roman* approving the same.

35. An Extract of an Intimation made to the

Customs at *Haver d' grace*, of the said Letters and Court of *Ayds* approving thereof.

36. An Extract of the Custom-house of *Diep*, consenting to the Registration of the said Letters of the Council of State, dated *anno* 1638.

37. An Act of the Court and Parliament of *Roman*, dated the 24 of *May* 1626, by which it is forbidden to trouble the *Scots* in their Priviledges, and Rights granted to them by the Leagues and Treaties betwixt the Kingdoms of *France* and *Scotland*, and by the which Act the said Court grants Restitution to the *Scots*, of all Goods and Effects seized upon by them, as belonging to Strangers, they making it appear that the same belongs to them, and swearing that there is no Fraud therein.

38. An Sentence pronounced by the Court and Balliory of *Roman*, whereby several *Scots* are discharged of the Taxes laid upon the Strangers of that City, Discharging their Deputies from exacting thereof, and to make no pursuit against the *Scots* upon that account, upon pain of all Damage and Interest.

39. An Declaration dated the 15 of *November* 1639, by which his Majesty Wills and Ordains, that all the *Scots* living within his Kingdom, and Lands, and Countreys under his Obedience, their Children and Heirs shall be exempt and discharged of all Taxes which have, or shall be imposed for the future upon Strangers Residing within his said Kingdom and Territories foresaid, and that in prosecution of his Letters patents, dated the 26th. of *January* 1639.

40. The Rollsof the Taxes, and the Act of his Council made in pursuance thereof, and Ordain-
ing

ing that if any of the *Scots Nation* are contained in the said *Rolls*, that they be expunged without all difficulty or delay, all *Acts*, *Decretes*, and others to the contrary, notwithstanding, from which he derogates upon their account only, and not to be drawn in consequence by others.

41. An Act of the Council of *Ayds* in *Normandy*, dated 14th. of *July* 1649, by the which *John M'math* and several other *Scotsmen* living in the City of *Deip*, are discharged of the said Taxes, and ordained to be Re-imburfed of the Sums payed by them, which shall be cast upon other Strangers at a *Merk per Liver*, conform to the Tax laid on.

42. An Sentence pronounced in the Court of Forreign Treaties, dated the 10th of *December* 1661, betwixt a *Scots Merchant* living then at *Edinburgh*, desiring to be admitted to pay for the Duty of Entry of his Woollen Goods come from *Scotland*, 25 *Sols* the hundred weight conform to the said Act of Council, dated the 28 of *May* 1635, upon the one part, and the Farmorer General of the five great Farms of *France*, on the other part, whereby it is Ordained, that the said *Scots Merchants* shall pay no more but 25 *Sols per* hundred weight of Wool, they instructing that the said Wool came from *Scotland*, and that they are natural *Scotsmen*.

43. A Sentence of the Admirality of *France* in the High Court of the *Marble-Table* in the Palace of *Rovan*, dated the 16th. of *June* 1663, betwixt *Robert Pringle* and several other *Scotsmen*, on the one part, and *Laurence Mavil* and his Deput Farmorer of the 50 *Sols per Tunn* in the Province of *Normandy* upon the other part, whereby after what

both Parties had written and produced, was Read by the Counseller Commiffar, Reporter of the faid Procefs, and his Report heard, and all being confidered, the Court gave fentence upon the conclufions of the Parties ; and thofe given in by the Kings Advocat, did Ordain, and Ordains, that the faid *Pringle* fhall be difcharged of the faid 50 *Sols per Tunn* demanded by the faid *Mavil*, without Expences by either Parties, the faid *Mavil* paying four Crowns taxed for the faid Report, one Crown to the Kings Servants, and the Expences of the Decreet.

And to make it further appear with what Juftice the *Scots* do demand the confirmation of their ancient Priviledges in *France* ; it is to be remarked that the fame Priviledges was never contraverted to the *French* in *Scotland* ; but on the contrair, they enjoy and poffefs all their Goods, moveable, and immoveable, and are capable to fucceed in all things as *Scots*, neither do they pay any Tax or Impofition but what the Natives pay, which Liberty has been confirmed to them by feveral Acts and Sentences of the Sovereign Courts of that Kingdom, and particularly in anno 1662, a *French* Ship having arrived in *Scotland*, and the Merchants thereof having prefented a Petition to the Secret Council, for her priviledges as Naturalized in *Scotland*, the fame was granted to them without any difpute ; fince which time the *French* have been no ways troubled, albeit the *English* upon confideration of the 50 *Sols per Tunn* laid upon Strangers their Ships, have laid upon the *French* Ships a Crown *per Tunn*, yet the *Scots* being always in hopes to be Exeemed from the faid Impofition in *France*, have as yet laid on no
Im-

Imposition upon the *French* Ships, whereof not a few comes yearly to *Scotland*. *Sic subscribitur*

PRESTOUN.

As the Royal Burrows have sent their Commissioners to *France*, so they have to *England*, *Denmark* and *Dantzick*.

In the Year 1570, they sent Commissioners to *Denmark* and *Dantzick*, for getting down several Customs and Imposts laid on upon trade in these Places ; and there is a stent laid on by the Burrows on themselves, for defraying the Charges of these Commissioners.

In the Year 1588, there being an Edict published by the Queen of *England*, that all Ships passing from *Scotland* Loaded with *Salmond*, *Herring*, and Fish throw the narrow Seas should pay Custom ; the Burrows

rows finding that the same would prove very Prejudicial to the Estate of Burrows, did therefore resolve to lend Commissioners to the Queen, for annulling the said Edict, and ordained a Custom upon Goods to be Collected for one Year, for defraying their Expence.

In the Year 1603, there is a Commission granted to several Persons to go to *England* after King *James* succeeded to the Crown of *England*, to obtain some Act in Favours of the Burrows of *Scotland*, for Incouraging their Trade, and to Treat anent an *Union*: there was six Commissioners of Burrows and two Lawyers, for whose Expence the Burrows Impose upon themselves 16000 *Merks*, and the Articles that were Concluded upon in the Burrows, delivered to the
saids

said Commissioners to be Treated,
are as follows.

First, That they be careful, that the Inhabitants in *Scotland* be Ruled and Governed by the Laws of this Realm, and noways subjected to any other Law, and that they desire that the said Laws may receive such Execution, as agrees with the form established and observed within *England*.

Item, That in the Treaty of the Union, nothing be touched which may prejudice the ancient Liberties, Priviledges, Immunities, Infeftments, &c. made by his Majesty and Predecessors in favours of the Burrows; and give Noblemen remember their particular Offices, that the Infeftment granted to the Burrows by King *David* be specially reserved, and that the Burgh of *Pearth* deliver to the Commissioners, the authentick Double of the said Infeftment.

Item, That ancient Priviledges, Honours, Offices, Dignities, Immunities, and Exemptions from Customs granted to the *Scotsmen* by the Kings of *France*, be noways touched or prejudged; and that his Majesty be intreated to procure such Immunity in *Burdeaux*, and *Gascoigne*, as is granted to *England*.

Item, That we retain the priviledge of holding of Parliaments within the Realm, and that nothing be concludit in the said Parliaments, but by the advice of all the Estates and greatest number of ilk Estate.

Item, That *Scotsmen* Transporting Countrey Waires from any Port in *Scotland* to *England*, or *England*
to

to Scotland, paying custom there, shall be free thereafter of all payment of custom at any Port within his Majesties Dominions.

Item, That his Majesty be intreated to reduce the Customs to the same estate they were in the time his Highness accepted the Government of this Realm upon him.

Item, To insist that no Tack of the Customs be granted to any person except the Burrows, and that upon such easie conditions as the samen may be had, and gif any be granted, that it be provided, that no customs shall be payed but at the Port where the Goods are lousd.

Item, To insist with his Majesty, that the sterling Money contained in the Burrows Infestments, be declared to be payed in current Money of Scotland in all time coming.

Item, That the priviledge of the Cunzie and Cunzie-house of Scotland be reserved, and that the Merchants be not obliged to pay any Buillion but in Scotland.

Item, To regrate the loss sustained by Scotsmen by his Majesties absence, and therefore to desire that his Majesty may remain in Scotland a quarter of a year, and see Justice administrated, and Vice punished; and because his Majesties charges may be born upon his own proper Rents & Casualties of the Crown of Scotland during his Majesties remaining here, that a Law be set down, that his Highness Rents be reduced to the auld integrity, and sua conceived in time coming to the use above-written, and Entertainment of his Majesties Castles and Places, for his Recept.

Item, That the Inhabitants of Scotland be no furdur

further subject in their personal services and subsidies, but *sicut antea*.

Item, To assist the supplication to be presented by the Travellers in *Pole*.

Item, To remember the Loss sustained by *Scotsmen* in the King of *Spain's* Dominions, and to treat Reparation thereof.

Item, To purchase & obtain the Fines & Duties lately imposed upon *Scotsmen* by the Mayors of the Burrows of *England*, discharged; and that *Scotsmen* be as free of all Imposition as *Englishmen*, as well at the hands of the said Mayors, as at the hands of the Customers and Deputys.

Item, In case any suit be made for the Reparation of the Bridge of *Tay*, that the same be assisted by the Burrows, providing it bring no Burden upon them, except it be voluntar.

The Commissioners then Named went to *London* and Treated on these Articles, some of which were Concluded and Agreed to, but not being Ratified by the *English* Parliament, they took no Effect.

Sir *William Thomson* was Commissionat by the Royal Burrows in the Year 1659, to go to *London* anent the Burrows Affairs; but this

this being about the Restauration of King *Ch. 2d.* He gifted to the King at *Breda* 1000 *lib. sterling*, which the Burrows Approved of.

After the Restauration, the *English* having Endeavoured to debar the *Scots* from the Privilege of Trade in *England*, and to Restrict the Libertys they had Injoy'd since the Act of the *post Nati.* The Royal Burrows gave Commission to Sir *Robert Murray* Justice Clerk, to seek Redress.

Mr. *John Buchan* in the Year 1697, was sent to *London* to wait on the Commissioners to be Nam'd by his Majesty for the Kingdom of *Scotland*, in the Treaty of Commerce betwixt the Subjects of the King of *Great-Britain*, and the *French* King, and is ordain'd to attend

tend as their Agent, for negotiating their affairs.

I am Informed that before the Conventions of Burrows were Regularly Constitute, the Town of *Edinburgh* sent Commissioners to *Antwerp* and other Places, to Treat anent their Trade, and accordingly entered in Contracts : but not having seen them, I shall not say any thing about them : for what is above doth sufficiently instruct the Burrows Privileges, in Foreign Negotiations anent what relates to their Trade, so the same shall not be furder Insisted in.

SECT.

S E C T. VII.

Of their Jurisdiction.

THe Convention of Burrows ever since their first Constitution, have decided in Differences within Burgh betwixt the Magistrates, and Citizens, and in Differences betwixt distinct Burghs. They Determine the Methods of Elections of Magistrates and Councils, they Fine Delinquents, and those that are disobedient to their Decrees.

They are Judges in the Misdemeanors of the Conservator and Factors Abroad.

They are Judges to any Burghs
Contra-

Contraveening the Acts of General Convention, with Regard to the setting of the Common Good of the Town, disposal of the Towns property, or doing any thing contrair to, or Inconsistent with these Acts, and usually Fine the Delinquents.

That the Case of the several Burghs may be known, they Appoint Commitees of their own Number to visit their Burghs, and to make Reports, that the Convention may Determine what is proper thereanent. In *July* 1691, they appointed a Visitation throw the haill Burghs of the Kingdom, and gave the Commissioners Instructions to enquire in the State of each Burgh, both as to their Real and Casual Rents and Revenues; as to their Trade and Shiping, the Condition of their Prisons and publick

lick Works, their Harbours and Bulwarks, the Condition of their Houses, and Manadgment of their Common Good, as is at length contain'd in the Instructions Recorded in the Books of the Convention. And which Commission was accordingly faithfully Execute, so that thereby the Convention came to be in a Condition to Determine in every thing that might concern the Burrows in General, and each separate Burgh in Particular.

The Convention of Burrows are Judges to all Misdemeanors in their own Convention, and Fine and Imprison the Delinquents, as in the case of one *Kello* Treasurer of *Dumbar*, who having uttered some Idle, and Rash Speeches (upon the Conventions discharging the
Town

Town of *Dumbar* from Exacting 40 *sh.* upon the Last of *Herring*, Packed, and Peill'd by *Edinburgh* Merchants: The Convention Fin'd and Imprisoned him, but upon his humble acknowledgment he was set at Liberty.

They are Judges in making their Stent-roll, and laying on such proportions as they think fit upon each Burgh, and alter the same when they see Cause; But when the same is once Determined, the Particular Burrows must pay their missive Dues conform thereto till it be altered.

Their Sentences and Decrees receive summar Execution, by Horning and other Diligence, as by Act 119. Parl. 7. *Ja.* 6. and by the 6th. Act Parl. 19. *Ibid.* By which last Act, there is also Letters

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Allowed against all Unfree Persons, not actual Burgesſes of Royal Burrows where they Dwell, &c.

By what is ſet down in this Chapter of the Conſtitution of the Convention of Burrows, and their Privileges, it's Evident, that they have the Power of Regulating the Elections within Burgh, of Election of Commiſſioners to Parliament, and Conventions, that they have the Power of making Regulations within Burghs and betwixt Burghs, to make Regulations with Regard to their Trade and Shipping, and to make Regulations, and enter in Contracts with Regard to their Staple Port in the *Netherlands* ; That it is their Privilege, and has been their uncontraverted Practice, to ſend Commiſſioners to Foreign States, to Treat in any thing concerns

cerns their Trade. And in the last place, that they have a Jurisdiction Authorized by Law, and that their Sentences may be Summarly Execute either by Imprisonment, or other Diligence.

C H A P. VI.

How far it's the Interest of the Royal Burrows to Observe, and Maintain their Privileges, and to continue to make such Regulations, as may tend to the Advantage of all their Trading Society.

HAVING now shown the Privilege of Merchants, of Burghs, the Privilege of the Gild, the Court of. the four Burghs,
L 2
and

and the Constitution of the Convention of Burrows, and their Privileges. It remains to Consider how far it's the Interest of the Royal Burrows, to Observe and Maintain these Privileges for the Incouragement of Trade, and good Order among themselves.

Trade is that by which a Commonwealth must flourish, and if Managed under a due Regulation, doth certainly contribute very much to the Advantage of the undertakers.

It's for the Incouragement of Trade, that the Royal Burrows Injoy so many and so Valueable Privileges: And nothing can contribute more to the Honour and Wellfare of their Society, than to Consider how Trade may be brought under such Direction and Management,

as

as that those particular Persons and Societys ingaged in it may Prosper, and the Ballance may be on our side who are now the Inhabitants of this part of *North-Britain*.

The Ballance of Trade is of the greatest Import, it's that which every Countrey Endeavours to Appropriat to it self : And it's certain, the Countrey that has it will thereby be Inrich't, when the Countrey that wants it, Inevitably goes to Ruine.

The readiest way to make the Ballance on our side, is to Regulat our Industry at Home, according to the Rules and Methods prescrib'd by our Laws.

Trade like a Coy Mistress must be Courted not Forced : We have as much the Subject of Trade

n this Countrey as perhaps is in any other Countrey in *Europe* ; and by a right Application we may Recover what we have lost by Neglect, or bad Management.

The Burrows should now make it their Chief Business, to Improve what they have at Home to the best Advantage, which will Force a flourishing Trade upon them.

We have a Competent Number of People, and Subject enough within our selves to Employ them, and where they are Employ'd under a Due Regulation, their Endeavours cannot but be Successful.

The way and manner how the Product of our own Countrey may be Improven in Trade, the Ports to which our Manufacture may be carry'd, and the Advantages arising thereby, being already hinted at
in

in a *small Essay upon Industry and Trade*, I shall not here insist further upon it, leaving the Reader (if he thinks fit) to peruse it.

If the Burrows will but look back upon the Actions of their Ancestors, they will see how much they made it their Business to promote the Interest of Trade, having in all their Conventions laid down Solid Measures for Incouraging it, tho, I must acknowledge, some times their Acts were Neglected for want of Execution, which frequently disappointed their Good Designs.

However now they should Consider for what those Valueable Privileges they Injoy have been granted to them, and should Answer that Trust that thereby is put in their Hands for the Countreys Interest.

Their

Their Sovereigns as they have granted these Privileges to them, so they have Confirm'd them, and upon many Occasions, have rather Amplified than Diminished them.

Her present Majesty Queen *Anne*, that She might be nothing behind Her Royal Ancestors, in their Favour to the Royal Burrows, did, in the late Treaty of *Union* now Concluded betwixt the two Nations, bestow an eminent Mark of Her Favour on the Royal Burrows; not only in Naming seven Commissioners to Represent them in that Treaty, but by the Treaty it self now Confirmed by both Parliaments, wherein the Rights of the Royal Burrows are Reserved in as Ample manner as Words can Express, as is Evident
by

by the 21. Article of the Treaty,
viz.

That the Rights and Privileges of the Royal Burrows in *Scotland* as they now are, do remain intire after the Union, and notwithstanding thereof.

Here is as full a Ratification as ever was Granted to the Royal Burrows by any of their Sovereigns, and it's the more Valueable in this, that they may rest satisfied, their Privileges will never be Violat, and nothing but a Surrender can wrest them out of their Hands.

They should Consider that as they have particular Charters from their Sovereigns Ratified in Parliament, so they have the forementioned Acts of Parliament to maintain their Rights : and the Articles of the *Union* as a strong Hedge or Bulwark about all to defend them.

When

When the Royal Burrows are thus secured, it should animate them to do those things that are Answerable to so Valueable Privileges: they should Consider how far their Neighbours of *England* have Improven their Trade: First, by making futeable Regulations, and then by their Effectually Executing what they thought most conducive to their Interest. The Improvement of our Manufacture of Linnen and woollen, the Incouragement and Improvement of our Fishing should be the Chief Concern of the Royal Burrows; these being the most Valueable Subjects of our Improvement, our Lead, Coal, and Sâlt, should not be Neglected.

The *British* Parliament will no doubt be ready enough to give all due Incouragement, and therefore
the

the Burrows should make their Meetings more frequent, should give Directions to such as Represent them in the *British* Parliament, to prosecute every Good Design, that may tend to the Advancement of Trade in this part of *North-Britain*.

They should also lay before them the Danger of heavy Taxes, especially such as arise from our own Consumpt, because these Taxes ly heaviest on the Burrows.

When the Sovereign is pleas'd to call a *British* Parliament, the Convention of Burrows (as they did in the time of our *Scots* Parliaments) should then also meet, that upon emergents, they may the more conveniently Advise these that Represent them in the *British* Parliament.

To Conclude, if they do their
part

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part in what Concerns their Privileges and Trade, their Sovereigns will no doubt protect them ; The Parliament of *Britain* will certainly maintain them in their just Rights, their Citizens will Improve in Trade, and their Burghs and Societys will thereby Flourish.

Ap-

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SInce Printing the foregoing Sheets, there coming to my Hands several Ancient Documents that further Confirm the Privileges of some of the Royal Burrows, I could not Omit to add them.

And first as to the Privileges of *Edinburgh*, altho I have already said, the Calamities of the times, and the many disasters that have befallen them, have deprived them of most of their Ancient Rights, and Records, yet what they have do's fully shew, that as they had done great Services to their Monarchs,
fo

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so they bestowed on them many Valueable Privileges.

K. Robert the Bruce, in Confirmation of the former Rights, gave them a Charter of the Town of *Edinburgh, Leith, &c.* as they had them in Possession in the time of *King Alexander*.

King David adds several Rights and Privileges thereto.

King James the 2d. gave them the Privilege of keeping the Court of the four Burghs, as is already hinted at, but because the Charter has since come to my Hand, I here Infert it.

Jacobus Dei gratia, Rex Scotorum, universis & singulis leigis nostris, ad quorum noticias presentes litera venerint, salutem. Quia serenissimus princeps Jacobus Rex Scotorum, progenitor noster, cujus animae propitiatur Deus, de avisamento & deliberatione trium regni sui statum apud Perth, concessit, & ordinavit parliamentum quatuor burgorum; apud Burghum nostrum de Edinburgh annuatim teneri, sicut a temporibus retro actis tenebatur: Voluimus, & concessimus

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cessimus, & presentium tenore concedimus, pro nobis & Juccefforibus nostris in perpetuum, burgenfibus no-
 ftris dicti nostri burgi de Edinburgh, & eorum Juccef-
 foribus, ut dictum parliamentum quatuor burgorum in
 dicto nostro burgo de Edinburgh annuatim pro per-
 petuo teneatur; & die statuto post Festum Sti. Michae-
 lis Archangeli, cum continuatione dierum omnino inchoe-
 tur, & observeatur. Quare magno Camerario nostro,
 & Juis deputatis qui pro tempore fuerint, stricte precipi-
 endo mandamus: quatenus curiam parliamenti quatuor
 burgorum haberi & teneri more solito faciatis, in bur-
 go nostro antidicto, convocatis & Jummonitis annuatim
 ad hoc comparituris commissariis quatuor burgorum prin-
 cipalium, viz. Edinburgh, Stirling, Lithcow &
 Lanerk, dictae curiae sectatoribus, sive accessoribus,
 ad subeundum, ordinandum, & finaliter determinan-
 dum, de & super judiciis burgorum universalium reg-
 ni nostri curiis dictis, sive contradictis: Ac etiam men-
 suram ulnae, firlota, sive bolla, lagina, & petra, mo-
 re solito Leigiis & communibus nostris, dandum, libe-
 randum & recipiendum: Nec non omnia alia facienda
 & exercenda quae in hujusmodi curia Parliamenti, se-
 cundum leges, statuta, & burgorum consuetudines sunt
 tractanda, subeunda, & finaliter determinanda. In
 cujus rei testimonium has literas nostras dictis burgenfi-
 bus nostris eorumque Juccefforibus pro perpetuo duraturas,
 sub magno sigillo nostro fieri fecimus Patentes. Testibus
 Reverendis in Christo patribus, Jacobo, consanguineo
 nostro Carissimo, Thoma, Georgio, & Thoma,
 Sti. Andreae, Dunkelden, Brechinen, & Candidae
 casae Ecclesiarum Episcopis: Dilectis consanguineis no-
 ftris, Willielmo, Comite Orchadiae, Domino de
 Sancte'aro, nostro cancellario: Georgio Comite An-
 gusiae: Thoma, Domino Erskin: Willielmo, Do-
 mino Somervell, Willielmo, Domino Borthwick,
 Williel-

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Willielmo Murray de Tullibardin. Willielmo Bonner *noſtrorum computerum rotolatore*: Apud Edin-burgh quinto die menſis Novembris, Anno Domini milleſimo quadringentiſſimo quinquageſimo quarto, & regni noſtri decimo octavo. Sic ſubſcribitur.

Jammis R.

King James 3^d. gives them the Jurisdiction of Sheriffs from *Inch-buckline-brae* at the Eaſt, to *Cramond-water* at the Weſt, and ſo far as the Sherifdom is extended on the South, to the Mid-Water of *Forth* on the North, by this Charter the Provost is Sheriff Principal, and the Baillies Conjunctly, & ſeverally Deputs, and they have Power to Create all Members of Court, and have Right to Eſcheats, &c. The Reaſon why this Extenſive Privilege was Granted them, was becauſe they Liberate the Kings Perſon out of the Caſtle of *Edin-burgh*,

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burgh, where he was detained against his Will.

The Magistrates of *Edinburgh* had also Right to the Escheats of all Persons guilty of Crimes that were Conveened before them as Sheriffs, and the Escheats of such Living within their bounds as were denounced to the Horn. They had also the Escheats of their own Inhabitants if convicted of any Crime before any other Judge of the Kingdom. They were also Heritable Justices of the Peace, and Admirals upon the Coast adjacent to the Bounds of their Sherifdom. All which Rights and Privileges were confirmed to them by K. *James 6th.* Conform to his most ample Charter of Confirmation in *Anno 1603.* And all these Rights and Privileges they possessed in the

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full Extent thereof, till the Reign of K. *Charl. 1st*. who thinking them too Extensive, prevailed with them to resign them ; and thereafter, by his Charter *in Anno* 1636, he Restricted them within the bounds of the Royalty : For by his Charter, he disposes to them the Burgh of *Edinburgh*, Common Milnes, Common Myre, Lochs, Wells, and Fouffies of the Town, Towns of *Leith* and *New-haven*, Harbours, Ports, Roads, and Links, Common Closses, Houffes, Halls, Ways, Roads, Streets, Causeys, &c. And within these Bounds, he gives them the Ample Jurisdiction of Sheriff-ship and Justices of Peace, and all other Privileges formerly competent to them ; and Ratified a Charter of Confirmation of the Sheriff-ship, and Corroner-ship,
Dated

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Dated *in Anno* 1616. As also;
a Gift of carrying the Sword, Ryd-
ing their own Marches, and of
the Office of Justiciary of Peace
1609. *Item*, Gift of the Justiciary
of Peace 1612. *Item*, Gift of Un-
laws. Gift of Jedgrie. *Item*, the
Gift to be Visitors and Metters of
Cloath brought to *Edinburgh* or
Leith. And of New, makes the
Provosts Heritable Sheriffs, and
Corroners within the restricted
Bounds, the Baillies, Sheriff-De-
puts, and both Provost and Baillies,
Justices of the Peace, with all the
other Ordinary Privileges of Fairs,
Mercats, &c. as at length contain'd
in the foresaid Charter.

By Virtue of this last Right,
they have used the Jurisdiction of
Sheriffs and Justices of the Peace
within their own Bounds, and all

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other Rights, Privileges, and Jurisdictions competent to them ever since, in the full Extent thereof.

The Town of *Edinburgh* as they have been in Possession of these Rights and Privileges ; so they have also been in use of sending their own Commissioners to Foreign places : In *Anno* 1539, they gave a Commission to *John Atcheson* one of their Baillies, and *David Tod* Merchant, to go to *Antwerp* to treat anent their Trade ; and they did it with so good Success, that there are Articles concluded, and a Contract entred into, betwixt the Burgomasters, Eshevins and Council of the City of *Antwerp* in *Brabant* and the said *John Atcheson* Baillie of the City of *Edinburgh* in the Kingdom of *Scotland*, and *David Tod* also of that City, both as deputed by
by

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by the Provost, Baillies and Council of the said City of *Edinburgh*, conform to their Commission dated at *Edinburgh* the 2d. of *March* 1539. The Abbreviat of the Articles of the said Contract, as translated from the *French* Original, lying in the Town of *Edinburghs* Charter-house, is as follows.

The Contract proceeds upon this Narrative, That whereas formerly the Staple was at *Campvere*, in *Zeland*, they the saids Deputs for *Edinburgh*, had now found it more convenient to have it at *Antwerp*, because that City was most frequented by all Merchants in Christendom. The Magistrates of *Antwerp* accepts of the offers, and agrees in the following Articles.

First, Article is, That to the said Nation of *Scotland*, the said City of *Edinburgh* and others their Adherents, shall be appointed and provided a convenient and pleasant House for the dwelling of the Lord Conservator, and others of the said Nation, in the which also these of the said Nation may lodge their Packs and Merchandizes, and use it at their will during their Residence in this City.

Item, That those of the said Nation shall be free and excemed from Customs and Excises of the Wines and Beer which shall be drunk in the

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faid House, and when the Fleet of the Ships of the said Nation Arrives, their Merchants being in greater number, the Lords, the Burgomasters and Eshevins being advertised of this by the Report of the Conservator, or others of that Nation, shall be obliged to appoint and assign one, two, or three of their Houses, according to the exigence of the number of these of the said Nation, in the which these of the said Nation shall be alike free, and excemed from the Excises of Wines and Beer drunk in them, providing that no other haunt these Houses, but these of the said Nation.

Item, That it shall be allowed, and shall belong to the Conservator, to have the Cognisance of all Questions whatsoever in civil causes of these of the said Nation among themselves, to wit, one *Scotsman* against another. And the saids Lords Burgomasters and Eshevins required in this, to corroborat the Judicature of the said Conservator, shall give concurrence with the Officers, that the Orders given may be put to Execution and have effect; and in like manner when any Burges or other stranger calls in Question any of the said Nation, he shall be obliged to do that in the first instance before the said Conservator, and after sentence given, the Party grieved and willing to appeal, shall be obliged in that case to intent the matter of the appeal before the said Lords, Burgomasters and Eshevins, and no where else. As also when any of the said Nation shall Question any Burges of the said City of *Antwerp*, or any other of another Nation than that of *Scotland*, he must do it before the said Burgomasters and Eshevins, and the said Conservator is not to meddle any ways therewith.

Item,

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Item, That it shall be permitted and allowed to the Merchants of the said Nation, to sell and dispose of in the said City of *Antwerp*, all and whatsomever Merchandizes and Goods they are accustomed to sell, and particularly Fishes salted, packed in Lasts, half Lasts, Tunn, and by thousands, half Thousands, Hundreds, and otherways as they think convenient. As also, it shall be allowed to these of the said Nation, to open their Tunns, and sell their salt Fish in small quantities, providing that they be first Visited and approved by the Masters of the Policies, commonly called Cuermesters of Fish.

Item, That there shall be appointed to these of the said Nation a Key in a commodious place, where the said Nation may unload their Ships and Goods, and at that Key they shall be preferred to all Merchants whatsomever.

Item, That the Gentlemen the Commissioners of the said Nation, shall visit and view the streets and places of the City, and having found a place convenient for their Abode & Residence, the Lords of the City shall treat with the Inhabitants of that place, about the Price and Hyre of their Houses, Chambers, and Cellars, and shall agree with them in such manner as may content these of the said Nation, with the Price and Hyre of the said Houses.

Item, That those of the said Nation having chosen the place of their abode, and their Ships and Goods being arrived in the City, the Lords of the City together with the advice of the Conservator of the said Nation, shall provide and agree so upon the matter of the Sallery and payment

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ment of the Porters and Work men, as may be to the content of those of the Nation.

Item, That the Town of *Antwerp* upon their charge and expense, shall furnish to these of the said Nation, Pilots when they come with their Fleet, both in coming and returning, and that beginning from the place of *Vere* or *Flushing*, according as the said Fleet shall land, of which the said Nation shall be obliged to advertise the said Burgomasters and Eshevins of their Arrival, and in case that the said City advertised, shall not have made provision of Pilots for the said Nation, at the said place of *Vere* or *Flushing*, that they may take & hyre at the charge of the said City, such a number as shall be sufficient for the convoy of their Fleet of Ships, the which charge the said City shall sustain for the space of five years next, and over above the five years (in case there be no Ordinance) till such time as the Ordinance be made by the said Lords upon the matter of Pilotage, for the convenience and ease of these of the said Nation, as they shall have reason to be content; and shall regulat themselves thereunto accordingly.

Item, In case it shall fall out, that Ships by the power of Storm and Tempest, or otherways, shall sit down upon some Rock or Bank of Sand betwixt this and the said City of *Vere* or *Flushing*, and the said Ship cannot be got off therefrom, in that case the said City shall be obliged to give all their possible assistance for the recovery of that Ship, and with all contribute the half of the Expence that shall be for the recovering of the said Ship.

Item,

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Item, because the Right (*des Tonleaux*) of Tonnage belongs to his Majesty, as concerning his Prerogative and Highness, and therefore the said Lords can yield nothing thereupon: notwithstanding, that these of the said Nation may not be extorted, because for these Dues the Farmer for the Receipt of the Tonnage, has his due Instructions which he ought to follow, there shall a Copy be given of the said Instruction to the Conservator of the said Nation; and if the said Farmer shall be found to have transgressed the said Instruction in exacting more than the Dues, the Lords of the City shall concur to get Restitution to the Merchant.

Item, That the Lords of the City shall assist upon all Occasions the said Nation, and that during all the time it shall please his Majesty to keep up the Receipt of the Tunnage of *Zeland* in this City, during that time the said Nation shall be free, upon paying the said Tun age of *Zeland* in this City, without being for that cause molested in *Zeland*. As likeways, they are not obliged to pay the said Tunnage of *Zeland* any more than once; and if the Farmer of the Receipt of the said Tunnage will do otherwise, the saids Lords, Burgomasters and Elhevins shall concur to see Reparation made to him who shall be exactioned above the accustomed Dues.

Item, That the said City of *Antwerp* gives to the said Nation, the Ensurance of the Pillage of the Ships Robbed of the said Nation, providing that the Pillage shall be done and perpetrate within the Countrey, to wit, betwixt this and the City of *Vere* and *Flushing*, and by these of the Countrey, to wit, the Subjects of the Emperor in these Low Coun-

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Countries, and not otherways. For the which Pillage the said City shall be obliged to pursue the recovering of the Goods taken and pillaged, as if they were their own. And in case they cannot recover these Goods, the said City shall be obliged to the Restitution of the Goods, or value thereof.

Item, That the said City of *Antwerp* obliges it to maintain with the said City of *Edinburgh* and its Adherents, a true, intire and perpetual Friendship, Good-affection, and Good-will that they bear to the said Nation. And if any Affairs of the said Nation shall happen in which the said Lords favourably may please them, and accord to accommodat them without great prejudice, loss and trouble of the said City, or publick Affairs, they will do it; and for the present in the Treaties agreed, all possible satisfaction shall be given to their contentment. In this using good Faith, and the effect of a true and sincere Amity, as is fit, and ought to be between two Noble, Renowned, and Triumphant Cities, such as the Imperial & Royal Cities of *Antwerp* & *Edinburgh*, all without fraud or bad intent. In testimony of which Points, Agreements, and Articles so concluded and granted, We Burgomasters, Eshevins, and Council of the City of *Antwerp*. and we Provost, Baillies, and Counsellours of the said City of *Edinburgh*, Approving and Ratifying that which our two Commissioners in that which is said, has done and concluded, as above, has caused put the Seals of Causes of the said two Cities *Antwerp* and *Edinburgh* to thir present Letters, the 12. of *April* the year 1540, after *Pasch*.

Follows

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Follows the Docketing,

After the which agreements made and concluded, the said Commissioners of the said City of *Edinburgh*, compeared before us Burgomasters, Eshevins, and Council of the said City of *Antwerp*, we being assembled collegially in our Chamber and Consistory of Council, the said Commissioners asking and requiring, that it might please us to confirm and approve judicially the said Points and Articles above-written; We being inclined to the request of the said Commissioners, has promised and promiseth for us and our Successors in Offices, to entertain, and cause entertain to the Merchants of *Scotland*, of *Edinburgh* and their Adherents, so long as they shall haunt and frequent in form as above, this City of *Antwerp*, all and each the points and conditions above declared, without any infraction whatsoever, so done the 20 day of *April* above-mentioned.

And I *Peter Colinar Greffier* (Clerk) of the said City of *Antwerp*, in Attestation of the said Declaration and Promise, have by commandment of the Lords, the Burgomasters and Eshevins of the said City, subscribed this with my manual Sign the day above. Subscribed *Peter Colinar*, and upon the back *Welenbeck*. And the Seal of *Antwerp* is appended in green Wax.

In Anno 1541, the said Town of *Edinburgh* gave a Commission to
An-

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Andrew Moubray, and *James Henryson* their Deputies, to Treat with the Town of *Midleburgh* in *Zeland*; And accordingly there were Articles Concluded: The Principal in *French* under the Seal of *Midleburgh* is in the Charter-house, and is in the Terms following;

The Narrative runs as an Invitation from the Burgomasters, Eshevins, Council and Burgesles of the City of *Middleburgh* in *Zeland*, to the Merchants of *Edinburgh*, upon some intention they had to place their Residence in the City of *Midleburgh*, as they were wont formerly: And for the procuring of that, the Governors of the said City of *Edinburgh*, by the Honourable and Discreet Gentlemen, *Andrew Moubray* and *James Henryson* their Deputies, upon that having a special Order and Commission to us the Burgomasters, Eshevins and Council abovementioned, has required that we would accord and grant to them and the said Nation, some Points, Liberties, and Preeminencies. Wherefore we the Burgomasters, Eshevins and Council of the said City of *Midleburgh* being inclined, out of the good Love and Affection we bear to them, and desirous to continue the Ancient Amity, Love and Good Will that we have always born to that Nation, has given to the foresaid Nation, and granted, gives and grants the Preeminencies, Liberties and Franchises following,

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during, and for the time that they shall keep their Residence in that City.

1. *First*, To the end that these of the said Nation may be more affectionat, and incline to come, visit and reside in the said City, and keep their Staple there, we Burgomasters, Eshevins and Council abovementioned, promise to the said Merchants of *Edinburgh* and others, in all time it shall be requirit to give to them and each of them, all Aid, Assistance and Address here, and every where, where it is possible for us.

2. *Item*, That the saids Merchants of *Edinburgh* and others of that Nation, may be the more respected and esteemed in the said Town of *Middleburgh*, We the Burgomasters, Eshevins and Council above named, promise to those of that Nation, upon the Expenses of this City, and without any charges to the Nation, to provide them of a good and decent House, where those of the Nation and of that City may have respect, that in it may lodge and dwell the Conservator of the Nation, and any other person, shall please these of *Edinburgh* and the Nation; which House, and together all the Family there Resident, we promise to affranchise, and keep, exeem and free from all Excises, Imposts and Customs of Wine and Beer, which is accustomed in other Houses to pay to the Profit of the said City of *Middleburgh*, providing notwithstanding, that those of the said House may not out of it give, distribute or sell by Measure, or otherways, to the Prejudice of the said City. And the better to please the said Nation, and to augment their Honour and Respect, We promise, to the Honour of GOD, to make and prepare a Chappel, with an Altar, in such a place or Church that

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that the said Nation shall think fit ; the which *Altar* these of *Middleburgh* shall provide, with all *Ornaments, Accoustrements and Necessaries.*

3. *Item,* To the end that those of the said Nation may have no Cause or Occasion to complain of *Porters, Trainers,* and other *Work-men,* or the Dearth of *Houses, Caves, Cellars,* and convenient places for loading or unloading their Goods, and also to secure that the *Customers and Farmers of Tunnage* may not trouble these of the said Nation, in extortioning them with Charges that are not due, We promise to those of the said Nation, to appoint every where such Order and Rule by the Advice of the said Nation, that they shall have no ground to complain. Moreover, we promise to act so diligently, that these of the Nation shall have the *Cellars, Houses, Caves* and Service of the *Workmen,* at the same Price and Hyre they use to pay in *Campvere* : And we also promise, that they shall make no Exaction or Charge of custom or Tunnage on the said Nation, more than they were wont to pay 30 Years past, or at least that they have payed till now at *Campvere.* And we also promise so to deal with the *Customers Resident* in this Town of *Middleburgh,* that in time coming, they shall not, without some vehement suspicion, search these of the said Nation, by rigorous Inquisition to take or raise the height of the Custom; and over and above, these of the said Nation shall be provided with *Commodious, and agreeable Keys or Places* for loading and unloading, to them and their Goods most fit ; which Key or Place of unloading they shall always find Free, Ready, and without the Incumbrance of any Person, and that these of

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Edinburgh, and others of the Nation may discover the good Affection that these of *Midleburgh* have for the Ease and Relief of the said Nation, they promise, when any Merchants thereof shall arrive with their Goods, and cannot sell the Goods they have brought, because of the lowness of the Mercats, or that it may not be a fit time, so that the said Merchants, by want of Silver or Credit, cannot make ready with their Merchandice to make their Return to *Scotland* with the first fair Wind; that they will ordain and appoint certain Persons, Honest Men and of Credit, our Burgeses, or others, who shall bind themselves, and be Caution for these Merchants who shall have need to seek in *Antwerp*, *Berg* or other part, any Goods or Merchandice that cannot be found here, providing that those Merchants of the said Nation shall leave in the Hands of their Land-Lords, or Cautioners as much Goods, or more, as the Sum will amount to, for which they became Suretys; likewise for the Honour and Respect of the said Nation, and also to evite not only Discord, but also all Suspicion which may fall out between those of that Nation and us (which God forbid) We oblige ourselves, when any Causes or Processes of whatsoever nature, shall be brought before us, between these of the said Nation, and any other person of what Condition soever they be, that these of that Nation may not complain of any Wrong, that we shall be obliged, before the Process be ended by definitive Sentence, in such Cases to consult and take Advice of the Lord Conservator for the time, or any other respected Person of the said Nation required to that, not suspected: Providing it be not to the Prejudice of his Highness
the

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the Emperor, our most Potent Lord and Prince; and because that the Burgeses of the City of *Middleburgh*, amongst other Franchises and Liberties have the Priviledge, that in all Causes rais'd and intentit before the Burgomasters and Eshevins there, and which are decreeted to the Advantage of any of the Parties, the Appeler from such a Sentence has the Option and Choice to draw and pursue his Appeal before those of the Court and Council of *Holland*, or (without going there) before the great Council at *Mallines*, where they judge by Sentence, without further Appeal; and also in respect that these of *Middleburgh* have the Priviledge, that all Sentences given by them,, repairable by the definitive, have Execution, upon sufficient Caution, notwithstanding of the Opposition or Appeal. And because the said two Priviledges turns much to the Advantage of the said Nation, if in time coming they have any Proceses before us, we promise that we will make, and suffer them to enjoy the same Priviledges, and to use them after the same manner, as our Burgeses do.

Item, And for to ease those of the said Nation from unnecessary Charge and Expensies, that when it shall please them to pursue in Court before his Imperial Majesty, or his noble Council, to have and impetrat any of these two Priviledges; whereof the first is, To have the same or like Favour which the *English* Merchants frequenting these Countreys enjoy concerning the Franchise, and Freedom of the Custom. And the second, That these mentioned of that Nation signing any Goods to be robbed from them, and pillaged at Sea, they may recover these Goods before any Judge

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Judge competent, in one Instance only, that we shall be obliged to bear the half of the Charge and Expence that they shall necessarily expend for the purchase thereof. And yet more to ease the said Nation, for that end, that they may have no cause to abandon their Goods named before, which they did for fear of Multiplication of Proccesses, we have promised, and promise, That when those of the said Nation shall have sufficiently caused inform us, that they have taken their Voyage from *Scotland* to *Midleburgh*, and that by any Pirates or Robbers at Sea, retiring themselves into the Jurisdiction of his Imperial Majesty, they have been robbed and pillaged in the Sea, Rivers, or Waters of this Countrey, either in coming here, or in returning to *Scotland*, That in that Case we shall give them such Aid and Assistance with our Pensionary, or other expert person, That it shall please these of that Nation to depute to recover these Goods, and the City shall bear the half of the Expence Necessary thereto. And because that we will in all time coming, that all the Discords and Disagreements which may fall out betwixt the said Nation and us, should be hindred and stopt, and that all Amity and Good Will may mutually increase, we promise by these of our own Motion and singular Liberality, that the said Good Town of *Edinburgh*, Burgeses and Merchants thereat present Resident, and of all the other Towns of the Kingdom of *Scotland*, who shall in time to come, haunt and frequent as Merchants in the said City of *Midleburgh* in time coming, to keep them free, and indemnified from all Proccesses, which because of certain Expenses, Damnaiges and Interests we have had depending

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undecided, against the Nation of *Scotland*, before the High and Mighty Lords the President, and these of the Great Council at *Malines*, with the Dependences concerning them, reserving notwithstanding expressly, & without diminishing our Action, the Rate and Portion upon, and against the Towns of *Scotland*, who shall fail to come here and keep their Residence as these of *Edinburgh* have begun to do.

All which Points and Articles we Burgomasters, Elhevins and Council of the City of *Middleburgh* willing of Good Affection to have and hold them for good, firmly established, and of Value, hath for Surety and Confirmation of that which is above; Ordered these points to be sealed with our Seal of Cause, appended to them, these points and Promises continuing always, and remaining in Force and Vigour, as long as the saids Merchants of *Edinburgh*, and others of the Nation shall please to keep their continual Residence in the said City of *Middleburgh*, and no longer, reserving also the Point making mention of the Action of Expense, Damage and Interest abovementioned, of which we free and discharge by these, these of *Edinburgh* for their Welcome of their Part and Portion, whereof they might be charged in any manner, and all with the Good Will and Agreement of the most victorious Prince *Charles the 5th*, Emperor of the *Romans*, our most undoubted and natural Lord. So done in the house of the Council of the said City of *Middleburgh*, the 19 day of *May* the Year 1541.

The Cities Seal of *Middleburgh*, on green Wax, is hereto appended.

These

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These two Contracts make it evident, That before the Constitution of the Convention of Burrows, at least before they had any regular settled Convention ; it has been the Practice of the Town of *Edinburgh* by themselves, to send Commissioners to treat in Matters of Trade, not only for their own Merchants, but for the Merchants of the other Free Royal Burrows of the Kingdom : But since the Meeting of the Convention of Burrows came to be more regular, these Commissions have been granted by the Convention.

The General Convention of Burrows do for the most part sit at *Edinburgh* ; yea seldom do they remove from that place, unless it be agreed by the Convention, and another place appointed for their next

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Meeting. But I have not observed the Convention to meet twice at one place, except at *Edinburgh*. The Provost of *Edinburgh* usually calls the Convention by a Miffive, and upon any emergent, may call a General Convention *pro re nata*.

The Town of *Edinburgh* do also in the Intervals of the Convention take particular notice of what may be the general Concern of the Burrows, and do prevent any Incroachments upon their Rights, that may happen to pass by private Gifts from the Sovereign. And particularly in the Year 1632, a Signature of Foreign Shear-shorie, in favours of *Robert Borthwick*, Son to *John Borthwick* of *Buffie*, being past in Exchequer, *Alexander Guthrie* common Clerk of *Edinburgh*, in name of the Magistrates compeared

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before the Exchequer, and craved that the same might be stopt until the Provost, Baillies, and remanent Burrows of the Kingdom were called, and heard to propone their lawful Reasons why the same should not pass. In compliance with which desire, the Lords of Exchequer stopt expeding of the said Gift, until the Provost and Baillies of *Edinburgh* should be warned to the effect foresaid, and a competent day prescribed for the hail remanent Burrows of the Kingdom, to compear for the said effect. This is evident by the Extract of the Act of Exchequer, lying also in the said Charter-house dated the 1st. of December 1632.

The Town of *Edinburgh* as the Metropolis, have this furdre Privilege

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lege of being freed from all Quartering of Souldiers, except what belongs to the Town; Yea, of Old they did not suffer any Regiment to March through their Town with displayed Banners, neither are any Souldiers, but such as are payed by themselves allowed to keep Guards, except upon Occasion of suppressing of Tumults, and then are brought in by Allowance and Consent of the Magistrates, but are never allowed to be Quartered.

Beside the many Valueable Privileges belonging to this City, King *Henry* of *England* by his Letters under his Great Seal, granted to the Town of *Edinburgh*, and the Merchants thereof, the same Libertys, Franchises and Privileges, thorough

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throughout the Realm of *England* that belonged to the City of *London*, as Appears by his Letters patent, lying in the Charter house, The Copie whereof is as follows ;

Henry by the Grace of GOD, King of *England* and *France*, and Lord of *Ireland*, unto all Men to whom thir present Letters shall come, Greeting ; Wit ze forsameikleas, We being put from Our Kingdom of *England* be certain Traittouris, and Rebells Our late Subjects, cam to the Town of *Edinburgh* in the Kingdom of *Scotland*, and there honourable ressavit, with certain Our Nobillis, bethe Provost and Baillies thereof, and remanent in the same Town for ane great time ; During the whilk time as weell We, as Our beloved Consort *Margaret*, Queen of *England*, and Our dearest Son, *Edward*, Prince of *Waillis*, and sicklike all Our Servituris and faithful Freinds cumand to the said Town, and remanand yairin, wer yan in all things intreattit thair favourablie and courteouslie by the Provosts of the same Town for the time, and Burgesles and Ministers thereof. We considerand the premis neroulie, has of Our special Grace and proper Motion, granted to the Provost, and Burgesles of the said Town, that they and thair Successouris, sua oft as they shall cum in Our Realme of *England*, be intertaynit and repute yair as the Indwellaris of Our said Realme, and

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and thair to Tred and Traffique, and fra thynce to returne to yair awin with yair Guids and Merchandices sua oft, and when it shall please them, or ony of them. And they and thair Successouris to pay within Our said Realme Tailzies, Custumes, Subsidies, and other Deuories to Us, Our Airis and Successouris for ever, for yair Guids and Merchandices, sicklike as the Citizens of Our City of *London* are haldin to pay to us, and na other manner of way, and to have the like and the same Liberties, Franchises and Priviledges in all, and be all thay and every ane of yaim, and frelie to use & enjoy the same throw Our said hail Realme for ever, sicklike as the said Citizens of the said City, and every ane of yaim has and uses without impediment, molestie and troublit of Us, Our Airis, Officeris, or Ministers whatsomever. In witness of the whilk thing, We have causit thir Our patent Letters be made, Witness my self at *Edinburgh* the second day of *January*, and of Our Reign the fourty ane Zeir.

Subscrivit by the King himself.

Among the other Valueable and Authentick Evidents that ly in the Charter-house of *Edinburgh*, I did see an Authentick Extract of a most ample Treaty of Peace betwixt the Emperor *Charles* the 5th. and Queen
Mary

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Mary of Scotland ; by which their Ambassadors Agree to a perpetual Peace, and to a mutual Defence of one another, and that their Subjects may safely and securely by Sea and Land, Travel and use their Trade of Merchandising in all the Dominions, Lands, Citys, Towns, Shores, Ports and Creeks, without any safe Conduct or General Licence, and that safely, freely, and securely ; and that they may stay, and Buy and Sell at their pleasure, and Return without any Impediment, so as neither their persons, Ships, Goods, or Merchandise, may be Detained or Arrested upon any pretext whatsoever. As also, both partys are Obligated to Defend their Dominions and Seas, against the incursions of Robbers and Pirats, by which the
Respective

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Respective Subjects in their Negotiations, Navigations, or Fishings, may be any manner of way Damnified: And as concerning the Fishing, and the free use of the Sea, the Articles of Treaty Concluded betwixt the most serene *Mary, Queen of Hungary and Bohemia*, and the Ambassador of *K. James the 5th. King of Scotland*, in *February 1541*, is to be duely and sincerely Observed. Moreover, the Privileges granted to the Subjects of the Kingdom of *Scotland*, by *Ludovick Earl of Flanders*, in the Year 1359, and Comfirmed by *Philip Duke of Burgundy*, in the Year 1394. And the Treaties entered into between the Deputies of the King of *Scotland*, and *Philip Duke of Burgundy*, in the Year 1427. and Confirmed by *Charles Duke of Burgundy*, Son to the

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the said Duke Philip, in *March* 1469, and also the Contract entered into in *Anno* 1529, and Confirmed by the Emperor, 24. *July* 1531, are declared to continue in full Force, Strength, and Effect, in the hail Heads, Clauses, Tenors, and Points thereof, so far as they are not contrair to this Treaty. And on the other Hand, that the Merchants and Subjects of the Kingdoms, and Subjects of his Imperial Majesty, have free Liberty to Use and Enjoy in the Kingdom of *Scotland*, all the Privileges contained in the foresaid Treaties and Contracts thereby Ratified.

In this Treaty is Included upon the part of the Emperor, the King of the *Romans*, *Hungary*, and *Bohemia*, the most Christian King
of

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of *France*, the most serene King of *England*, the Elective King of *Denmark* and *Norway*, and the States of the Holy *Roman* Empire, according to the perpetual Confederacy which they, their Kingdoms, Countreys, and Subjects, have among themselves: And upon the part of the serene Queen of *Scots*, her Ambassador Included and Comprehended under the Treaty, the most Christian King of *France*, the most serene King of the *Romans*, the most serene King of *England*, the most serene King of *Bohemia*, the most serene King of *Denmark* and *Norway*, and the States of the Holy Empire of the *Romans*, according to the perpetual Confederacy which they, their Kingdoms, and Subjects, have among themselves. This Treaty of
Peace

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Peace is Concluded at *Binch*

the 15th. of *December* 1550,
and is Ratified by the Emperor at
his Imperial City of *Ausburg*, the
1st. Day of *April* 1551, after *Pasch*.
The Ambassador for the Emperor
was *Ludovick* Lord of *Flanders*,
Knight of the Order of the Golden
Fleece, as appears by his Commis-
sion Signed by the Emperor at *Brus-
sels* the first of *November* 1550.
And the Ambassador for the Queen
of *Scots*, was *Sir Thomas Erskine*
Eldest Son of the Family of *Erskin*,
Conform to his Commission grant-
ed by *Q. Mary* with consent of
James Earl of *Arran*, *Lo. Hamil-
ton*, her Tutor, and Governour of
the Kingdom, and is signed by the
said Earl of *Arran* *September* 8th.
1550, and the Queen's Seal Ap-
pended.

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I shall say nothing of the Antiquity of the Town of *Edinburgh*, my Intention being only to touch their Privileges : But *Cambden* Relates, that the *Irish-Scots*, call'd *Edinburgh*, *Duneden*, or *Eden-hill*, and which no doubt is the same that *Ptolemy* Named the *Winged-Castle* ; and in the second Edition of *Cambdens* description of *Scotland*, it's plain that *Edinburgh* was Subject one while to the *Scots*, and another while to the *English*, until it became wholly under the *Scots* Dominion, about the Year of our Salvation 960, so that it's Evident from the Ancient Historiographers, that *Edinburgh* is among the Ancientest of the Royal Burrows, although either their Ancient Charters or Records may be lost.

As to the Privileges of *Aberdeen*,
the

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the Ancientest Charter Extant that I hear of belonging to that City, is Granted by K. *Alexander* the second, which with his Seal, is said to be yet in their Charter Chist: But I have seen their Charter from K. *Robert* of the Town of *Aberdeen* Privileges thereof, and *Forrest* of *Stocket*, which extends their Privileges some Miles to the Westward of the Town. This Charter is Dated at *Berwick* upon *Tweed*, in the 14. Year of his Reign: They have also other Charters from K. *David*, from the K. *Jameses*, from Q. *Mary*; And this Charter from Q. *Mary*, besides their other Valuable Privileges, she gives them Power to feu the *Salmond* Fishings of *Dee* and *Don* to their Burgers, which were then, and are yet of a very Considerable Value; and they

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they are so limited, that none can be Infeft in these Fishings, but a Burgefs residing and using the Trade of Merchandice within the Burgh : And each Burgefs can enjoy no more but one separat feu of a half Nets *Salmond* Fishing, or an eight part of the *Salmond* Fishing in the Cruives. And there is this further speciality, that no Woman can be Infeft in these Fishings, so much as in Life-rent : The design being, that Burgeffes using the Trade of Merchandising, should from time to time, Injoy and Improve them, and yet not be in their Power to make a Monopoly of them.

K. *Charles 1st.* Ratifies all former Privileges Granted by his Predecessors Kings and Queens of Scotland, and particularly the Characters

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ters and Privileges by K. *William*,
K. *Alexander* the second, *Alex-*
ander the third, *Robert* the first,
David his Son, *Robert* the second,
Robert the third, Kings *James* the
1st. 2^d. 3^d. 4th. 5th. Queen
Mary, and K. *James* the 6th. And
of new upon a very full Narrative
of the Good Services of the Burgh
of *Aberdeen*, his Majesty disposes
the Town with the Lands and
Fishings thereto belonging, with the
Port and Harbour, with the Privi-
lege of holding Courts, Exacting
Customs : As also, Disposes any
Lands belonging to Abbacies, Pri-
ories, Chaplanries, Altarages, with
the Lochs and Meadows. And by
this Charter, they have in most am-
ple Form, the Privilege of being
Sheriffs, Corroners, and Justices of
the Peace within themselves, and
O the

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the Provost for the time is Sheriff-principal, and the Baillies Sheriff-Deputs, whose Powers in judging of Matters Civil or Criminal, are as ample as the Powers of any Sheriff of any Shire or Town within the Kingdom ; and these Powers are particularly enumerat in their Charter.

They have also the Power and Privilege of visiting the Weights and measures, in all the Fairs and Mercats, and other places within the Shire, and of punishing such as use false Weights and Measures : And this Charter furder contains an *Union* and Annexation of all these Privileges into the free Royal Burgh then, and in all time thereafter, to be called the Town of *Aberdeen*, as is more fully mention-
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ed in the Charter Dated the 9th.
of September 1638.

In the Terms of which Rights and Privileges, the Town of *Aberdeen* have been in possession of sole Sheriffs, and Justices of Peace within their Town and Freedom, and their Dean of Guild in all Mercats within the Shire to this day, inspects the Weights and Measures, and punishes the Delinquents.

The Town of *Aberdeen* have also a Jurisdiction cumulative with the Sheriff of the Shire, in Judging the killers of black fish, & destroyers of Fry and Smolts of *Salmond*, in the Waters of *Dee* and *Don*, and their Magistrates do usually sit and hold Courts in the remote parts of the Shire adjacent to these Rivers, and Fines and Amerciats Delinquents ; and

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their Decrees have been sustained before the Session, notwithstanding that they were pronounced against persons living within Regalities.

All I shall say of the Antiquity of *Aberdeen* is, that it's thought to be the City mentioned by *Ptolemy*, which he calls *Devana*, and the River adjacent *Diva*, and this is the Opinion of *Cambden*. It's said also that this City was erected in a Burgh Royal by *Gregory* the Great, who Reigned about 800 Years ago; However I shall not further Inquire in their Antiquity, seing, as I have said, my Business is to publish their Privileges.

The other Burghs Royal of the Kingdom, have all of them valuable Privileges, but I have seen none
of

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of their Charters, or other Gifts of
Erection, and therefore lest I had
done any of them Wrong, I have
said nothing of them.



E I N I S.

E R R A T A.

Page 10. *add*, Cap. 1. Of the Privilege of Merchants. Page 7. line 12. for *Da.* 3d. read *Da.* 2d. p. 9. l. 1. for *he* read *the.* p. *ibid.* after line 18. *add*, By the Statutes of King William, Cap. 37. It is Statute, that na Stranger Merchant of whatsoever Nation he be, fall Buy or Sell anie kind of Merchandise without Burgh, but within Burgh allanerly and chiefly to Merchants, and fra Ships pertaining to the Merchants of the Burgh; likewise the King Commands that na Stranger Merchant arryvand with Ships and Merchandises, fall cut Claith, or Sell in Pennyworths, but in great, and that within Burgh, and to the Merchants of Burgh.

And gif any Stranger Merchant fall be found docand the contrair, he fall be apprehended be the Servants of the Guild, and fall be punished as a Breaker of the Kings Defence and Protection. Page 11. line 7. for *Erection* read *Election*, p. 14. l. 10. for *th* r. *the.* p. 17. l. 27. for *ad*, r. *and.* p. 24. l. 31. for *orns* r. *Corns.* p. 25. l. 8. for *ommodities* r. *Commodities.* p. 32. l. 9. dele (which was then a great Sum) p. 37. l. 5. for *the utility*, r. *to the utility.* p. 43. l. *penult*, for 119. *Act Parl.* Ja. 6. r. *Parl.* 7. p. 44. l. 25. for *shall pay the charges*, r. *shall pay for the Charges.* p. 45. l. 1. for *authentickly by the Clerk*, r. *subscribed by the Clerk.* p. 55. l. 13. for *own jellow*, r. *Counsellour.* p. 62. l. 2. for *nor* r. *not.* p. 97. l. 25. for *or* r. *of.* p. 105. l. 2. for *of* r. *or,* p. *ibid.* l. *penult* for *Neglect* r. *Negotiat.* p. 115. l. 27. for *what* r. *Wheat.* p. 117. l. 5. after *Bank add*, At the unreasonable rate of, p.

E R

E R R A T A.

121. l. 10. after the same *add*, with. p. 150. l. 6. after Advocat *add*, And. Appendix p. 3. l. 4. for *the* r. there. *Ibid.* p. 3. l. 7. for *dierun* r. *dierum*. *Ibid.* p. 6. l. 3. for *them*, r. the Town Council, *Ibid.* p. 7. l. 5. for *Gft* r. Gift.

The Reader may Amend any
other literal Error that has escaped
the Preſs.